

CORRELATES OF RECIDIVISM: A STUDY EXAMINING THE DIFFERENCES  
BETWEEN FIRST TIME FELONY PROBATIONERS AND RECIDIVIST  
FELONY PROBATION OFFENDERS

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The purpose of this study is to explore the differences and characteristics between first time felony probationer and recidivist felony probation offender. The importance of said studies grows significantly, given current trends of sentencing offenders to probation. Using archived data on random sample of felony offenders in 2000 and based on information acquired and maintained by the Denton County Community Supervision and Corrections Department (CSCD), the study consists of 40 first time felony offenders and 40 recidivist felony offender placed on probation during the year 2000. The method consists of a longitudinal comparison model. To examine the research question, descriptive statistics are used to compare basic demographics. Then, in order to answer the research question bi-variate significant tests, Chi-square and Independent Sample T-tests were employed when appropriate. Results indicate differences between first time felony probation offenders and recidivist felony probationers.

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## CHAPTER I

### INTRODUCTION

In Albuquerque, NM, Marissa Mathy-Zvaifler, a 16-year-old girl, is raped and murdered by a convicted sex-offender on probation (Oswald, 2004). In Georgia, Robert O. Arrington is convicted of murder. While on parole, he bludgeons to death his girlfriend, Kathy Hutchens (Hodson, 2004). Community outrage follows the murder of an 11-year-old Sarasota, FL, girl, Carlie Brucia, when it is learned her killer could have been jailed earlier for violating his probation (Krueger, et al., 2004). Her death brings increased national attention to offenders supervised in the community. Why do some offenders recidivate and others don't?

As financially strapped legislatures across the country increasingly look to probation as a means of alleviating overcrowded prisons, the question seems to be generating momentum. District attorneys and plea bargaining have also contributed to the swelling numbers of offenders on probation. By some estimates, the latter practice has driven more offenders into community supervision than overcrowding (Fisher, 2003). Plea bargaining is widely used because it allows courts to keep dockets moving, and leads to convictions in weak cases or where the victim doesn't want, or is too young, to go through the trauma of a trial (Kendall & Finkelhor, 1993). Probation is the most common form of criminal sentencing in the United States (Petersilia, 1997).

As increasing numbers of criminals are placed on probation, legislatures and academics have begun to take interest in offenders supervised in the community for a number of reasons chiefly due to concerns about public safety. Among such concerns are predictions that a substantial number of all crimes can be accounted for by a small fraction of probationers (Farrington, 1999). While it may seem economically feasible and judicious to supervise

offenders in the community, studies seem consistently to demonstrate that, regardless of type of offense, offenders recidivate within 3 years (Langan & Cunniff, 1992; Taxman, 2002).

Adding to concern is the growing trend of probating offenders for offenses that previously would have resulted in a sentence to the state penitentiary. Supervision of offenders in the community is no longer confined to small crimes and misdemeanors but now includes offenders with increasingly severe charges. However, as critics and scholars note, it was never the intention of probation to serve as a criminal sanction for serious offenders. Instead, probation as it was originally designed, served first-time offenders with non-serious crime (Fisher, 2003).

The American Probation and Parole Association (APPA) reports that probation receives less than 10% of government funding for corrections, and has seen declining funds since the mid-1970s at a time when it is being called to do more (Reinventing Probation Council, 2000). Although probation receives less funding, it now takes a greater number of offenders, including those who present more serious risks to the community despite any significant study as to the threat these offenders pose to the community. Supervision of offenders in the community is not new; however, the number of offenders on supervision is escalating. According to Bureau of Justice Statistics (BJS) in 2001, more than 4.6 million adult men and women were on parole or probation in communities across America. With renewed calls for stricter legislation and a growing lack of faith in community supervision, there is reason to explore offenders in the community, and specifically recidivism.

With the largest incarcerated population in the world, the U. S. criminal justice system has become a costly prison industry (Beck, 2000). National prison population studies consistently show little variation in the reason for most offenders' incarceration: low-level non-violent or victimless crimes (Justice Policy, 2000). Moreover, a staggering number of



incarcerated offenders have been or are now serving a period of probation or parole at the time of their new offense for which they were later sentenced to incarceration (Jennings, 2000). Early recidivism studies show correlations among study groups and variable correlates such as substance abuse, unemployment, seriousness of offense, criminal history, and early delinquency as frequently present with recidivist offenders (Jones, 1995; Schmidt & Witte, 1988; Whitehead, 1991). However, studies of offender characteristics as they relate to recidivism are lacking.

Although a plethora of behavioral analysis and recidivism studies address incarcerated offenders and high crime felonies such as sex offenses, few studies address the more prevalent felony recidivist. Instead, previous studies typically center on measurement of recidivism using three general measures: reconviction, recommitment to prison, and re-arrest. This study focuses on the felony recidivist probation offender, simply defined as offenders who reoffend after successfully completing a prior instance of felony probation. This study, exploring the characteristics of recidivist offenders, was conducted using a comparison design of a random sample of felony probation offenders from archival data acquired and maintained by the Denton County Community Supervision and Corrections Department (CSCD). The sample came from all offenders placed on probation for a felony in 2000.

The study is longitudinal in nature and analyzes offenders over a 3-year period from 2000 to 2003 in order to determine characteristics of recidivist offenders. Although there is considerable literature about recidivist sex offenders, mental health offenders, and prisoners, little research exists concerning the characteristics of felony recidivist probation offenders. This study's general focus examines the differences between the first-time felony probationer and recidivist felony probation offenders by observing two groups: Group A, first-time felony offenders sentenced to probation; and Group B, recidivist felony offenders who reoffended after

successfully completing a previous felony probation. Using the observations on comparisons it should be possible to apply the differences to first-time offenders and predict with a degree of accuracy those offenders with a high probability for recidivism.

Table 1

*Observed Groups*

Group A First-Time Felony Offenders ( $n = 40$ )	Group B Recidivist Felony Offenders ( $n = 40$ )
No prior felony criminal history	Prior felony criminal history
First time being placed on felony probation	Previous successfully completed felony probation.
Sentenced to probation in calendar year 2000	Sentenced to probation in calendar year 2000

Information about the characteristics of offenders who reoffend following successful completion of their probation is important mostly because of judges' growing trend to use probation as a sanction. As courts regularly prescribe probation as a sentence for negative behavior, it is crucial to identify characteristics of reoffenders. Such information could be used to identify and target programs and strategies designed to reduce recidivism and thus potentially reduce the number of offenders committed to prison.

#### Research Questions

1. What are the differences between first-time felony probationers and felony recidivist probation offenders?
2. What percentage of felony recidivist probation offenders actually commit more serious crimes?

Traditionally, recidivism analyses have used criminal history to determine offender risk and potential harm. While criminal history provides useful information about the offender's past,

its ability to predict future offender behavior is marginal (Dolney, Mcshane, & Williams, 2000). However, law enforcement and criminal courts have embraced this practice as a means to determine potential for offender recidivist behavior. Consequently, many current and developing assessment and classification tools are specifically geared toward this purpose. One of the more prevalent classification tools, the Level of Service Inventory Revised (LSI-R), examines 10 domains in order to assess offender risk: financial, criminal history, companions, alcohol and drug problems, education and employment, emotional problems, accommodations, leisure and recreation activities, family/marital, attitude and orientation, and emotional problems (Andrews & Bonta, 1995).

To date, few studies look directly at the recidivist offender focusing specifically on commonalities and characteristics, both of which might offer a more tangible and potentially beneficial result. The importance of such studies grows significantly, given current trends of sentencing offenders to probation. Is there, for example, some behavioral trait consistent among offenders who recidivate? Does education or the lack thereof determine late-onset criminal behavior whereby an offender will reoffend? What commonalities, other than crime, might recidivist offenders share? What are the differences between first-time felony and felony recidivist probation offenders? As demonstrated in Chapter II, these early studies do offer some hint of re-offenders' commonalities and strongly suggest a need for further study.

### Recidivism: Studying Chronic Crime

Recidivism is commonly defined as reoffensive behavior by an offender following release and/or return to the community (Song & Lieb, 1995). As larger numbers of offenders are sentenced to supervision within the community, many states have become interested in recidivism rates. The recidivist rate is defined by the percentage of offenders who reoffend

within an observed amount of time (Song & Lieb, 1995). Recidivism by probationers is a potential threat to public safety. In 1990, Texas probation agencies spent about \$106 million to identify characteristics associated with recidivism (Petersilia, 1997). Recognizing the growing cost of incarceration, Texas has sought a preincarceration solution to a fiscally threatening problem.

Given the prison industry's escalating costs, and the perceived and often real threat of offenders in the community, the need to study the recidivist offender seems imperative. The recidivist offender may be one key factor in formulating social strategies and policy aimed at improving the quality of public safety and infrastructure. Such would seem to be the prevailing thought among legislatures as probation becomes an increasingly acceptable sentencing alternative for offenses which previously carried harsher, more severe penalties. However, a public more fearful of crime increasingly criticizes probation and parole. This criticism includes demands for privatization and sweeping changes within departments to allow for smaller caseloads, improved supervision, better classification of offenders, retooling of existing risk/need assessments, and a renewed desire to see probation publicly active in the communities served.

Joining the chorus of critics are probation and parole officers themselves. According to a 2003 survey, probation and parole officers reported crushing caseloads that reduced supervision of offenders to brief office visits. Other concerns included officer and community safety issues and a conflict between probation's two objectives of rehabilitation and enforcement (Center for Civic Intervention, 1999). There is no quantifiable measure of whether probation manages to protect society, and the success rates of individuals on probation vary. By some estimates, nationally only half of all probationers successfully complete their court-ordered probated sentence (BJS, 1998). Some studies suggest recidivism rates for adults on probation ranging

from 43% to 65% being rearrested for a felony (Langan & Cunniff, 1992; Petersilia, Turner, Kahan, & Peterson, 1985).

A significant number of offenders either reoffend with new offenses or suffer technical violations requiring their return to the court (Morgan, 1994). More troubling, however, is the national percentage of offenders supervised by probation and parole officers who simply disappear, absconders to be supervised at a later time when they are returned to the court for a new crime following the execution of a warrant or apprehension for an unrelated, often minor, offense such as a traffic violation. Few probation offices have resources to seek and return these fugitives to justice. It is generally believed that one out of every 10 offenders under probation and parole supervision will abscond (Petersilia 1991; BJS, 2002).

Some research suggests that offenders under probation and parole supervision are responsible for as many as 15 murders daily (Farah, 2000). By this estimate, 5,475 community members will die and scores more will be changed by individuals released to the community following the commission of a crime. Thirty-six percent of all individuals arrested for new felony crimes are already on probation or parole (BJS 1996-A). Further proof of the danger these offenders represent to the community is the contention that felony re-arrest rates vary between twelve to sixty-five percent (Geerken et al., 1993). Despite these figures, probation is likely the least studied component of the criminal justice system (Petersilia, 1998).

Increasingly, as interest grows in behavior modification of offenders, the study of offender characteristics has generated considerable attention. Whereas the 1960s and 1970s saw treatment modalities and community-based programs as generally the accepted responses to crime, the 1980s and 1990s saw the growth of the American Prison Complex (Friel, 1992). A subsequent backlash developed around the turn of the century when many of these facilities

proved to be too costly and strain state budgets (Justice Policy, 2000). The political climate of the 1980s saw the rise of the conservative right and a tendency to judge moral decline as a cause of the problem (Gest, 2001). The perceived decline of family values, erosion of the work ethic, and dependence on government programs are among some of the issues conservative hard-liners believe contributed to the perceived crime epidemic (Currie & Wilson, 1991). Recently, criminal justice policy has shifted from treatment and community-based modalities to increased prisons. Certainly several conservative candidates were elected because of the crime issue and the mantra of “get tough on crime,” a call for more prisons and tougher sanctions. Under President Ronald Reagan, the “War on Drugs” defined crime policy for much of the 1980s. His successor and former vice president, President George H. Bush, though less interested in the war on drugs, used the crime strategy to secure the White House.

In a masterful stroke, Bush outpaced his opponent, Democratic challenger Michael Dukakis, in the 1988 Presidential campaign using the case of William Horton. Horton, one of three men implicated in the death of a gas station attendant, had earned a life prison term with no chance of parole. While out on a furlough, he broke into the home of a young couple, tied up the man and raped his wife. Ostensibly obsessed with crime, the American public demanded harsher prison sentences. Since 1980, for example, California has built 21 new prisons (Beisr, 2001). As this demand increases, so does the cost of imprisonment, and many states are unable to afford the large expenses associated with correctional facilities.

These states, already faced with fiscal restrictions, have had to rethink their incarceration practices. Because of escalating costs in the building and upkeep of these correctional institutions, states have turned to supervision of offenders in the community as an efficient alternative. Some researchers consider it a national trend, emphasizing community-based

monitoring and treatment over incarceration. Under the veil of sentencing reform, many states, including Ohio, Michigan, Kansas, and Texas, have turned to the community supervision alternative. In 1999, Ohio doubled its number of parolees. In 2002, Michigan repealed its mandatory minimums. In 2003, Kansas determined that it would be cheaper to treat, rather than imprison, offenders, and sent drug offenders to treatment rather than prison. Even Texas, the nation's presumably most tough justice state, sought cost-cutting measures that swelled the number of offenders released to the community, and in 2003, mandated drug treatment for low-level first time offenders.

### Probation as a Sanction

It seems overly simplistic to conclude, as some conservatives contend, that crime would drastically decrease if offenders were incarcerated for lengthy sentences (Wilson, 1976). The cyclical nature of population and crime dynamics might easily refute this position; however, it is worth exploring. Suffering from its own bipolar disorder, the American Criminal Justice System is conflicted in direction and focus: Is the goal rehabilitation or punitive sanctions? These conflicting goals can be attributed to unresolved disagreements in society at large (Lipsky, 1980).

The reality of punishment in the criminal justice system is that more offenders are being supervised in the community. In a 1997 study, of the 79% of offenders living in the community more than two-thirds were on probation (Sims & Jones, 1997). But with more offenders in the community, how safe is the public and how effective is probation at preventing an escalation of crime?

Like past research, this study will include criminal history as a major component; however, it will look specifically at whether individuals on community supervision escalate in

their criminal activity. The study asks whether there is indeed an escalation in type of crime among individuals supervised in the community and whether these offenders share any common any characteristics. Following a review of existing literature and with the cooperation of the Denton County Community Supervision and Corrections Department (CSCD), data was obtained and analyzed to answer this fundamental question: what are the differences between first-time felony offenders and felony recidivist probation offenders?

Chapter II outlines the current research and relevant literature on recidivism studies. As previously mentioned, many of these studies focus primarily on sexual and incarcerated offenders. The lack of scholarly research into characteristics of the more prevalent felony offender further accentuates this study's significance. The prior studies do, however, provide sufficient material and the guidance needed to craft and shape variables and predictors for this body of research.

Chapter III describes the methodology used in the present study. This chapter also examines the study's population and discusses the steps necessary to gather the offender list, issues regarding the compilation of the offender list, and the specific parameters used to identify and select individuals for the study. Chapter III also includes details about how the offender information is obtained and stored by Denton County Community Supervision and Corrections Department.

Chapter IV provides the results from the analysis. In this chapter, the specific characteristics of offenders who have reoffended after successful completion of felony probation will be identified and explored. This analysis should provide concrete answers to the research question. Finally, Chapter V discusses the study's major implications, and explores questions such as the following: What effect will knowing the characteristics of recidivist offenders offer?



In addition, Chapter V addresses the current study's limitations and discusses topics for further research.

## CHAPTER II

### LITERATURE REVIEW

A review of the existing literature indicates the pressing need for additional research into the characteristics of recidivist offenders. Despite the large spectrum of research on recidivism presently available, there is a significant lack of scholarly material specifically investigating the recidivist offenders' characteristics. Much of the current literature is limited to identifying the number of offenders who recidivate. There is also a large body of recidivism research limited to those offenders populated chiefly by sex, youthful, and incarcerated offenders. Additional research into the recidivist offender is available as it relates to intensive supervision probation (Taxman, 2002). There also exist recidivism studies that examine probation caseload size. Few if any studies look directly at the common characteristics shared by recidivist offenders. The unique nature of this research allowed for the inclusion of literature which individually contributes to the research question while collectively speaking toward an answer.

#### Recidivist Typology

A recidivist is an offender who repeats an undesirable criminal act after having experienced consequences for negative behavior. Most often, the offender has received some external stimulus to extinguish the behavior such as incarceration or, more frequently, probation. Probationers are criminal offenders sentenced to a specified period of conditional supervision in the community.

Offenders and recidivist offenders share attributes commonly associated with criminal behavior. These attributes serve as the foundation for the offender's risks and needs, or criminogenic tendencies, and serve to layer the first characteristics of offenders. According to Gendreau and Andrews (1990), these attributes include antisocial attitudes, values, and beliefs;

procriminal associates and isolation from prosocial associates; particular temperament and behavioral characteristics similar to egocentrism; weak problem-solving and social skills; criminal history; negative family factors; low levels of vocational and educational skills; and substance abuse (Gendreau & Andrews, 1990). Recidivism seems more likely if an offender has a history of juvenile or adult criminal convictions, commits a crime while on bail or awaiting sentencing, has a pattern of drug or alcohol use, or has not responded to previous efforts to address the negative behavior (Eisenberg, 1991). Factors such as illiteracy, unemployment, housing, negative self-image, dysfunctional behaviors, and failed relationships seem to heighten recidivism potential (Andrews & Bonta, 1994; Bonta, 1996; Jones, 1996).

The earliest attempts at predicting criminal behavior can be traced to Cesare Lombroso, who in *The Criminal Mind* attempted to determine criminal offenders by identifying characteristics. Whereas Lombroso largely used physical characteristics as identifying factors, other scholars employed race, age, sex, and education as characteristics contributing to crime and recidivism (Andrews & Bonta, 1994; Bonta, 1996; Jones, 1996). These commonly accepted characteristics cannot be discounted in drawing a profile of the recidivist offender. In predicting recidivism, factors such as criminal history, age, and race are considered static or unchanging. Current trends focus on criminogenic needs, those things that can be changed, such as attitudes, values, family, education, substance abuse, and employment.

Recognizing the potential risk of offenders released in the community, national trends as previously stated have leaned toward corrections agencies utilizing risk assessment tools. The most commonly accepted tool is the Level of Service Inventory Revised (LSI-R) which examines 10 domains as a means of assessing offender risk: financial, criminal history, companions, alcohol and drug problems, education, employment, accommodations, leisure and

recreation activities, family/marital, attitude and orientation, and emotional problems (Andrews & Bonta, 1995). Variations of the LSI-R have cropped up in response to legislative demands for accountability and management of offenders.

Originally titled Client Management Classification (CMC), Strategies for Case Supervision (SCS) is the reigning case management system in the State of Texas. CMC was completed in Wisconsin and quickly spread when, in 1979, the National Institute of Corrections adopted it as a basic component of its Model Probation Project. “Assessing Offender Risk and Needs” is the first principle that the National Institute of Correction identifies for effective interventions with offenders. As with the LSI-R, these numerous assessment instruments chiefly measure criminal history, education, interpersonal skills, social support, vocation, aptitude, violence risk, self-esteem, and substance abuse on the assumption that criminal behavior can be predicted by these factors. Similar to probation’s efforts, parole prediction tables use these same factors to determine the pattern of habitual recidivism offending with an accuracy rating of approximately 80% (Fox, 1985).

### Recidivism Factors

While there is no certainty in predicting recidivism, commonalities among recidivist offenders suggest some pernicious factors that aid in determining likelihood of reoffending. Designated as offender risks and needs, the adoption of these factors provide units of measure in determining not only offenders’ characteristics but also their specific needs, thereby suggesting some measure of therapeutic address. In the State of Texas, the determination of an offender’s risk and needs while supervised in the community is largely the responsibility of probation officers operating under the state’s Criminal Justice Assistance Division (CJAD). In 1989, the 71st Texas Legislature changed the term “adult probation” to “community supervision.” The

Texas Department of Criminal Justice (TDCJ) Community Justice Assistance Division (CJAD) administers community supervision, or adult probation, in Texas. Although CJAD does not work directly with offenders, it does work with the community supervision and corrections departments (CSCD), which supervise offenders in Texas by providing the standards used for the tracking and monitoring offenders. Additionally, CJAD distributes funding to the departments, provides training for officers, and enforces community supervision standards. The standards, rules, and guidelines the division proposes must be approved by the Texas Board of Criminal Justice (TBCJ), before they can be adopted.

For the CJAD Case Classification system, the term “risk” is defined as “the offender’s potential for further criminal activity.” In keeping with volumes of assessment instruments, 11 items are objectively scored to determine the offender’s potential risk to the community in the CJAD Risk/Need Assessment instrument: stability, employment, substance abuse, remorse, age of adjudication, periods of prior probation, revocations, commitments, juvenile record, and type of offense, where a distinction in scoring occurs between properties versus violent crime. All of these will be explored in some detail in the literature review with the exception of remorse as there is limited information concerning remorse and recidivism.

As previously stated, in order to determine the differences between first-time felony and felony recidivist probation offenders, it is helpful to utilize existing data and tools for the purpose of evaluating offenders and their risk to the community, ergo their potential for recidivism. A number of scholars have explored the various individual factors believed to play a role in recidivism. These variables parallel variables in the CJAD Risk/Need Assessment and represent the variables used in the present study.

Table 2

*Variables Legend*

Demographic Information	Abbreviation
Previous misdemeanor conviction	<i>(PmCon)</i>
Age	<i>(Age)</i>
Race	<i>(Race)</i>
Ethnicity	<i>(Ethnic)</i>
Sex	<i>(Sex)</i>
Marital status	<i>(Marital)</i>
Ed level	<i>(Edlev)</i>
Employment status	<i>(EmpStat)</i>
Citizenship	<i>(Citizen)</i>
Military service	<i>(MilSer)</i>
Deferred or standard probation	<i>(DefStap)</i>
Risk Reassessment	Abbreviation
Number of address changes in last 12 months	<i>(RAdd)</i>
Percentage of time employed in last 12 months	<i>(Remp)</i>
Alcohol usage	<i>(Ralcuse)</i>
Other drug usage	<i>(Roduse)</i>
Attitude	<i>(RAtt)</i>
Age at first adjudication of guilt	<i>(Rage)</i>
Number of prior probation/parole supervision(s)	<i>(RNPEv)</i>
Number of prior probation/parole revocations	<i>(Rprprapr)</i>

Number of prior felony adjudications of guilt	<i>(RNFel)</i>
Adult or juvenile adjudications	<i>(RAdJa)</i>
Assaultive offense within last five years*	<i>(RAss)</i>
<i>Risk Score</i>	<i>(Riskscr)</i>
Needs Reassessment	Abbreviation
Academic/vocational skills	<i>(NAcad)</i>
--Employment	<i>(Nemp)</i>
--Financial management	<i>(Nmoney)</i>
--Marital/family relationships	<i>(Nmarry)</i>
--Companions	<i>(Compan)</i>
--Emotional stability	<i>(Emot)</i>
--Alcohol usage problems	<i>(nAlc)</i>
--Other drug usage problems	<i>(NDrug)</i>
--Mental ability	<i>(NMent)</i>
--Health	<i>(NHealth)</i>
--Sexual behavior	<i>(N_Sex)</i>
--Probation officer's impression of offender's needs	<i>(NPOimp)</i>
--Need Score	<i>(Nscore)</i>

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\*an offense which is defined as assaultive, or one which involves the use of a weapon, physical force or the threat of force

The resulting score indicates the offender's supervision level and hence determines the offender's risk to the community and potential for recidivism. Though not in any significant

order, the first of these factors is the question of home life, specifically, how many times the offender changed address.

### *Family/Home/Environment*

By itself, no other variable has had such a profound impact on the criminal justice system than the variable of stability -- environment or residence (Sutherland, 1939; Vold, 1998). Essentially, this variable examines the offender's home life. The inclusion of this variable seems largely influenced by the various Social Control Theories. One assertion, as noted by Gabriel de Tarde's "law of imitation, is that criminals were basically normal people who by accident of birth were brought up in an atmosphere in which they learned crime as a way of life" (Vold et al., 1998). Sutherland (1939) equally asserts in Differential Association Theory that crime and deviant behavior are acquired through a process of learning generally through close associates, family, and peers. A 1994 meta-analysis examined 60 studies and determined that peers, specifically antisocial peers, or attitudes most strongly predicted and contributed to recidivism (Simourd & Andrews, 1994).

Perhaps because of the subjective nature of home life, this variable requires further study. The home and the home environment provide a foundation for addressing prosocial values (Rand, 1987). A 1991 study of 494 recidivist and nonrecidivist offenders concluded that supportive family relations contribute to a decline in criminal behavior (Fendrich, 1991). Significant research seems to indicate that when a community cannot educate, care for, or prevent delinquent traditions in its young, there is observably higher recidivism. Within such declining communities there exists a "culture of criminality or criminal traditions" (Akers & Sellers, 2004), a further result of the breakdown in systems that teach right from wrong, good from bad, or positive versus negative behavior.



Contrary to present research findings, and operating on the assumption that prior studies of recidivism have focused exclusively on individual-level offender characteristics, researchers C. E. Kubrin and E. A. Stewart focused exclusively on predicting recidivism by exploring the neglected role of family, home, and environment. More specifically, the researchers focused attention on what they labeled the neglected role of neighborhood context in recidivism analysis. In conjunction with 2000 census data, using data on a sample of prior offenders in Multnomah County, OR, the researchers investigated which individual-level factors influence rates of recidivism. Additionally, they sought to identify and account for how neighborhood socioeconomic status contributed to reoffending behavior. The study tracks 4,630 offenders supervised in the community during a 6-month period. Offender data were obtained from the Multnomah County Department of Community Justice. This collection of primarily demographic data was accompanied by sanctions information obtained from the Department of Correction's Sanctions Tracking Database which contains arrest information from local and state agencies.

Using multilevel modeling techniques to examine the effect of individual and neighborhood level factors on recidivism, the findings determined that individuals who resided in disadvantaged neighborhood recidivated a greater rate. As might be expected, those subjects who resided in more affluent communities recidivated a lesser rate. Subjects' residences were stable; however, this was dismissed as a phenomenon whereby subjects tended to move within the census tract. This also presents an immediate limitation to the research; specifically, the short time frame of the study. Unquestionably results would differ given a longer duration of time. The study also does not seem to differentiate between types of offender (i.e., probationer versus parolee).

### *Employment and Education*

A number of studies have shown employment/unemployment to be a highly significant factor in predicting recidivism and successful completion of probation (Waller, 1979; Mackenzie, Shaw, & Souryal, 1992; Morgan, 1994; Sims & Jones, 1997). A study conducted in 1995 (Jones) analyzed a sample of 307 offenders and found unemployment as one of the strongest predictors of probation failure. A North Carolina study determined that unstable employment, past convictions, and marital status significantly predicted recidivism. In the study, researchers reviewed 2,850 felony probationers through corrections records (Sims & Jones, 1997).

Equally important is the factor of education. High school dropouts have an increased risk of recidivism (Albonetti & Hepburn, 1997). By some measures, and as might be expected, the less educated and less skilled the offenders, the more likely they are to recidivate. This theme repeats itself in a number of studies (Waller, 1979; Gendreau & Andrews, 1990; Eisenberg, 1991; Whitehead 1991; Langan & Cunniff, 1992; Andrews & Bonta, 1994; Morgan, 1994; Andrews & Bonta, 1995; Bonta, 1996; Jones, 1996; Leone et al., 2005).

Numerous studies point to the value of education. Studies examining education's effects on criminal offenders chiefly follow incarcerated inmates. This focus may largely due to participant and researcher bias, given ease of access to data. In either case, the value of education seems indisputable. One such study, performed by D. J. Stevens and C. S. Ward for the North Carolina Bar Association's Task Force on Alternative to Present Punishment Systems, tracked 60 student inmates. The students had earned associate and/or baccalaureate degrees while incarcerated in the North Carolina Department of Corrections. The study expanded to include

data collected from recidivism and education studies of 30 states. As with previous studies, these student inmates were tracked for 3 years.

The student inmates sampled included 35 men and 25 women. The participants originally resided in 5 male prisons primarily situated in the southeastern region of North Carolina and one female prison. The offenders were tracked for 3 years. Analysis of the data results indicates, as might be expected, that those who obtained a higher terminal degree did not reoffend. The study concedes that no participant with a baccalaureate degree reoffended within the 3-year period, while, similar to national trends, 40% of the general population in North Carolina were reincarcerated within 3 years (NC DOC, 1995).

### *Alcohol and Drug Use*

Alcohol and drug use is so pervasive in criminal activity as to seem somewhat ubiquitous with crime. As if to demonstrate its significance in the evolution of a criminal, the FBI Behavioral Analysis unit has incorporated alcohol as the fourth tier of the Serial Killer Profile (Douglas, 2000). The relationship between substance abuse and recidivism is immensely complex (Day et al., 2003). The association between drug use and crime appears specious. Although a correlation may seem evident, studies have failed to show a causal relationship between drug use and crime (Howell, 1995). Instead, they appear to indicate that offenders use drugs. Alcohol, however, is directly associated with criminal activity and consequent recidivist behavior (Parker & Auerhahn, 1998).

A meta-analysis on the role of substance abuse completed in 2002 suggests that alcohol use plays a highly significant role in the prediction of criminal recidivism. For this study, C. Dowden and S. L. Brown used PsycLit and National Criminal Justice Reference Service (NCJRS) databases to identify studies published between January 1950 and June 1998. Key

search terms included: recidivism, revocation, prediction, parole, crime, criminal behavior, drug abuse, substance abuse, and alcohol abuse. Selected studies had to include assessment prior to recidivism of substance abuse factors and sufficient statistical information to allow conversion of statistical data. Finally, the literature had to have a “no recidivism” category. For the purpose of the meta-analysis, recidivism was defined as a dichotomous yes/no. Forty-five studies were determined to meet these criteria.

A quantitative-meta-analytic review was used to examine five substance abuse predictor categories. The results of the meta-analysis generated a weighted mean effect size of .10 between general recidivism and substance abuse. The conclusions confirm a predictive relationship between substance abuse and recidivism. One interesting outcome was the importance of identifying the type of substance abuse. The assumption in identifying the type of substance is that by properly identifying the substance the predictive ability of any risk/need assessment may increase. Essentially, by properly identifying the substance, therapy can be tailored to better meet the offender’s need.

### *Age at First Guilt*

Age seems to be the most common aspect behind the pattern of recidivism. Numerous studies demonstrate a correlation between earlier onset crime and recidivism (Thomas, Hurley, & Grimes, 2002). Younger offenders have an enhanced likelihood of recidivism (Lloyd, 1994; Oldfield, 1996; May, 1999). A 1985 study suggests that if a felony arrest occurred before age 15, there was a 90% probability that the youthful offender would recidivate with future felonies (Fox, 1985). The younger the offender, the greater the likelihood of recidivism (Carr, 1994; Sanders, 1998; Benda, 2001; Harms, 2003; Puzzanchera, 2003). According to a Scottish study, age is particularly useful in predicting recidivism. In this study, researchers looked at prison

populations to explore whether prisoners had a juvenile record at the time of their first adult conviction (Cooke & Michie, 1997).

Similarly, it would appear that the possibility of reconviction decreases significantly by age. Baumer (1997) found that a ratio could be established whereby an offender's hazard of reconviction declined in proportion with each additional year of age. This would appear consistent with findings from a 5-year study conducted in Texas. Eisenberg (1991) utilized a random sample of 1,539 inmates released from TDC in 1996, following them from 1991 through 1996. Resembling results of previous studies seeking to isolate factors associated with recidivism, Eisenberg's study determined that as age increased recidivism decreased (Klein & Caggiano, 1986; Ashford & LeCroy, 1990).

Over the course of two years, the Office of Juvenile Justice and Delinquency Prevention's (OJJDP) Study Group on Serious and Violent Juvenile Offenders brought 22 researchers together to analyze the development of serious and violent juvenile offending careers and research on risk and protective factors. The quantitative results of 66 studies were supplemented by analysis of the Seattle Social Development Project longitudinal data set. In order to be selected for review, the studies had to meet five primary criteria: (1) juvenile offenders were not incarcerated but instead living within their community when assessed; (2) the study measured interpersonal violence or the threat of violence; (3) study subjects were not chosen for the commission of a prior violent or criminal offense; (4) the study identified a modifiable indicator of a meaningful predictor of race; and (5) the study design followed a longitudinal design. Using standard meta-analytical procedures, a statistical analysis was performed exploring the association between risk factors and violence. Although the study

primarily deals with violence, one key finding of the research is the predictive importance of risk factors and an apparent demand for early intervention.

*Number of Prior Probation Periods and Revocations; Commitments/Incarceration*

Similarly, the more extensive an offender's criminal history, the higher the offender's recidivism rate. In addition to determining merit of offender supervision in the community, a Canadian study of 423 released prisoners in 1968 ascertained that age and criminal history in combination best predict recidivism (Waller, 1979). Albonetti and Hepburn (1997) determined, following analysis of 617 Arizona offenders supervised in the community, that those with a prior record had an increased likelihood of probation revocation. Some researchers attribute this increase to weakened social bonds which at one time deterred criminal behavior (Wright et al., 1999).

*Type of Offense (Property Crimes); Assault (Violent Crime)*

The Risk/Need assessment type of offense specifically refers to property crimes where the crime's primary purpose is financial gain. By definition, CJAD's Risk/Need instrument identifies these property crimes as burglary, theft, auto theft, robbery, worthless checks, or forgery. This is consistent with national trends established in 1929 by the Uniform Crime Report (UCR) as maintained by the Federal Bureau of Investigation (FBI).

Of all the literature reviewed for this study, property offenders were the most likely to re-offend for any offense (Eisenber, 1991; Zamble & Quinsey, 1997). The literature could offer no explanation for this continued behavior and thus points to an area desperately in need of further study. The research seems to suggest that of all recidivist offenders, property offenders, while the most likely to offend, reoffend with similar property crimes (Eisenberg, 1991; Zamble & Quinsey, 1997).

The offending rate of assaultive or violent offenders does not appear to be as great; however, their threat to the community is, without argument, greater. The Bureau of Justice Records (BJR) has consistently shown that the percentage of offenders incarcerated for violent offenses is significantly smaller than those incarcerated for other crimes such as property or drug offenses (1996, 1998, 2002). However, studies have not explored what proportion of recidivist offenders actually commit more serious crimes. Nor have they examined the proportion of recidivist offenders who actually commit more serious crime after successful completion of probation.

### Supervision of offenders

Because supervision style -- whether it be enforcement-driven or rehabilitative in focus -- within the probation organization may have some bearing on the recidivism rate, it is also included in the literature review. The focus within the probation organization may have some bearing on the recidivism of offenders under supervision.

To determine why some offenders recidivate and others do not, independent scholar Jennifer Joseph examined characteristics of 200 offenders on probation. The sample was selected from individuals in one Tennessee county through records provided by the Tennessee Offender Management System and from Tennessee Department of Correction files. The variables examined included race, age, gender, employment status, education, convicted offense, prior misdemeanor arrest, prior felony arrest, history of drug abuse, and type of probation on the assumption that these variables correlate with probation outcome (Morgan, 1994).

The probationers sampled consisted of individuals assigned to both intensive and regular supervision who were almost identical in gender and age. The race of offenders was predominantly white, with 95% on intensive supervision and 90% on regular probation

categorized as white. Of the sampled probationers, 78% were male. There was a marginal difference in age with those individuals on regular probation having a mean age of 31.6 and those on intensive supervision having a mean age of 26.7. The data was analyzed using a logistic regression method. Each sample set was analyzed separately and together.

Recidivism was analyzed separately as dependent variables and defined as any technical violation or new felony conviction during the probationary period. Here the findings indicate an area for future study as Joseph's analysis of the data suggests a correlation with age and type of recidivism. Younger offenders were more likely to recidivate, while older offenders were more likely to successfully complete probation. The implication, as Joseph points out, is for greater attention to younger offenders. Moreover, when comparing the two sample groups, it was determined that individuals on regular probation were more likely to commit a new felony offense while those on intensive supervision committed technical violations. When adding education level to the study, Joseph determined that less-educated individuals were more likely to have new felony convictions.

The research indicates that regardless of supervision style, those offenders who were less educated, younger, and had prior misdemeanor arrests were more likely to fail on probation by committing a new felony or a technical violation. The research makes several important contributions, including the importance of increased attention to offenders' needs and relative age. For the criminal justice system, the findings indicate additional concerns when making decisions at sentencing -- including an assessment of offender needs and supervision types.

One immediate threat to the research is the use of intensive supervision as a variable. As the finding suggests, individuals on intensive supervision are more likely to commit a technical violation. Given the nature of intensive supervision, it is not alarming that offenders supervised



at this level commit a greater number of technical violations. Intensive supervision suggests that the offender meets with the officer more often, which statistically increases the odds of the offender being caught for a minor/technical violation. Additionally, with smaller caseloads, it is not surprising to find these offenders violated more often as the officers supervising their cases had more time to allot to minor infractions. This same school of thought carried to conclusion would assert that a regular probation officer with a larger caseload would have insufficient time and/or concern for technical violations and therefore would be less likely to violate an offender for a minor/technical violation.

In response to growing caseloads, specialized caseloads have quickly developed nationally. These unique attempts to address offender needs and public safety include intensive supervision probation programs, mental health caseloads, drug courts, and diversion programs. Despite the increase and popularity of these programs, there remains little empirical evidence of their efficiency.

Acknowledging probation's dual role, the researchers define two methods probation officers use in supervising offenders: (1) a resource broker and (2) a caseworker. The relevance of these methods is not immediately clear and may instead be suggestive of an area in need of further study. The researchers define the supervision methods by allocating the resource broker probation officer as referring offenders to appropriate community agencies. The caseworker, on the other hand, emphasizes treatment, counseling, and developing a relationship with the offender.

This study provides a glimpse of past research such as the 1967 San Francisco Project (Carter et al., 1967) in which federal probationers were categorized in one of four supervision levels: intensive, ideal, normal, and minimal. The study was designed to test the efficiency and

relevance of case size and recidivism. The only difference between the three groups was the size of the caseload, with intensive seeing the least amount of offenders. The actual breakdown had the intensive supervision caseload at 20 to 25 offenders per officer, the ideal supervision caseload at 40 to 50 offenders per officer, the normal supervision caseload at 70 to 130 offenders per officer, and the minimal supervision caseload at several hundred offenders per officer. At the study's conclusion after two years, the researchers found no significant difference in the number of violations. Each group had approximately the same violation rates.

In 1987, Erwin and Bennett evaluated a program that allowed offenders the option of being placed on intensive supervision probation (ISP) in lieu of prison. The study sampled intensive probation offenders, regular probationers, and parolees. The result after 18 months suggested that offenders on intensive supervision probation committed fewer and less serious crimes than parolees and those on regular probation. This would seem more likely a symptom of the fact that those ISP offenders who recidivate would spend time in prison. As previously mentioned, although participants agreed to be supervised on ISP, their alternative was a prison sentence; consequently, they had incentive to complete the program successfully.

A 1986 study randomly assigned offenders to ISP (Petersilia et al., 1985). At the end of one year, the study found no significant difference between recidivism rates of offenders on either the intensive or regular supervision probation. One significant study in 1991 found a higher absconder rate among probation officers with supervision caseloads of 150 or greater (Cunniff et al., 1991). So it would seem that case size plays some significant role in the supervision of offenders in the community.

To address gaps in probation research, the researchers in Worrall's study sought to examine a link between probation and public safety itself. After reviewing previous research,

they determined that property crimes would be the dependent variable. Following a statistical analysis, the study concluded that probation is effective in reducing crime. The study also offered the contention that probation caseloads were a correlate of the property crime rate. The findings reflect that higher caseloads are associated with an increase in property crime rates.

The two primary limitations of this study are that it failed both to address any significant historical events which may have impacted the study and to identify the type of offenders likely to commit a property crime. Not all offenders are property crime offenders. It would seem that the study is inconclusive as many offenders are disqualified because they are not property crime offenders. The two issues are relevant, for they challenge the finding's results.

Because of the wide discretion enjoyed by probation/parole officers, Hearnden's study (2004) is highly significant as it seeks to determine whether tougher enforcement of offenders leads to lower reconviction/recidivism. The study sought to compare strict enforcement probation areas with those taking a more relaxed approach. Data were gathered through an audit of 4,386 cases in 54 identified probation areas. Two years later, a second audit provided 882 cases in 11 target areas. The researchers requested termination and enforcement records from a sample of probation areas to ensure representation of two contrasting groups. Reconviction data was requested on all cases.

Where the outcome was known, 60% of offenders successfully completed their probation. Some 4% had probation terminated with good behavior. Nine percent reoffended with new charges while 21% reoffended by not completing some aspect of their probation (technical violation). The study could determine no appreciable differences in the reconviction rates in the subsequent audit.

From the collected data, the researchers determined that there was no difference in the reconviction rate among offenders supervised in either strict or relaxed approaches to probation. The findings suggest that tougher is not necessarily synonymous with more effective supervision. But the research is inconclusive in that it has numerous threats to its validity. One immediate problem is the study's methodology. The study's authors acknowledge a number of the problems, including victim's willingness to report crime, court response to cases, and police detection rate and a lack of information about the offender and his/her characteristics.

This study's primary limitation rests in instrumentation flaws. A number of factors contribute to whether probation was revoked on the sampled subjects, thus invalidating the study's conclusion. As previously mentioned, officers are afforded considerable discretion in revocations and returns to the court for technical offenses. The belief that an offender is more likely to be revoked in designated strict enforcement probation areas versus those with a more relaxed approach is a generalization. No instrument is in place nor is one alluded to which would seem to indicate any difference other than a presumption between these two targeted areas. Moreover, it is not exactly clear how the researchers determine strict enforcement probation areas versus the relaxed approach regions. The audits presume equal treatment, distribution of sanctions, officer reaction, and discretion in both areas. Conclusions therefore are limited to a demonstration of numbers, with little substance.

The study does pose an interesting question concerning the relationship between the offender and the officer. If officer discretion plays a significant role in the offender's status with the court, then it must also weigh in the analysis of probation effectiveness. To this end, research may be needed into the characteristics of the officers themselves. A possible area for future study might include officers' proclivity to revoke probation. Many probation/parole officers are

uncertain as to whether they are doing a good job by revoking an individual or whether the individual who successfully completes probation is the equivalent measure to a success. This is largely the fault of probation administrators who have failed to define their agencies' product and clearly assess expected quality for officers.

### Literature Overview

There is considerable literature regarding felony recidivism and offender characteristics; however, most studies seem preoccupied with numbers, their outcomes reduced to calculating and predicting the amount of recidivist offenders. Previous studies provide a glimpse at variables which, incorporated into the present study, may help to address the characteristics of offenders who have reoffended after successful completion of felony probation. The literature review identified correlates of recidivism chiefly, race, age, gender, employment status, education, convicted offense, prior misdemeanor arrest, prior felony arrest, history of drug abuse, and type of probation. Interestingly, resulting from the literature review, the study seems to validate the existing Risk/Need Assessment instrument in use by CJAD. Because supervision style (whether enforcement-driven or rehabilitative in focus) may have some bearing on the recidivism rate, it was also included in the literature review.

The literature review's most overwhelming problem was the tendency of felony recidivism studies to concentrate in the area of sex offenses as if this were the only significant crime being perpetrated. Additionally, considerable literature was devoted to other more "high profile" crimes such as serial offenders and mentally ill offenders. Considerable study has also occurred in the area of juvenile recidivism. While these studies are important and should not be excluded or ignored, they do not address the larger, more pervasive offender. Given the high cost in public safety, monetary and fiduciary commitment by state legislatures, and myriad associated

costs, considerable focus should be directed to these offenders. While prisons and jails enjoyed a boom in growth, the high cost of building and operating these facilities at the expense of other taxpayer projects such as schools, roads, health, and environmental issues point to the importance of this study and others like it. The literature examined in this chapter provides variables and direction for the study.

Undoubtedly, there is need for additional research not only in the area of felony recidivism but also in the area of serious misdemeanor offenders. The purpose of this study is to determine the characteristics of those offenders who escalate in criminal activity following successful completion of supervised probation. Identifying the characteristics of these offenders can enable agencies to target and adequately prepare for the needs of these offenders, ultimately increasing public safety while decreasing demands for costly incarceration facilities. The present study has the potential to have significant implications for CJAD administrators, enabling them to incorporate or evaluate programs in order to determine whether these characteristics are being addressed during supervision of offenders. Additionally, it may assist professionals in evaluating and incorporating characteristics into offender treatment plans and supervision methods.

## CHAPTER III

### METHODOLOGY

Following a review of the current and existing literature, it is apparent that valid and reliable offender prediction is crucial for the protection of society and the rehabilitation of the offender. Although a plethora of behavioral analyses and recidivism studies address incarcerated offenders and high crime felonies such as sex offenses, few analyses address the more prevalent felony recidivist offender. The importance of such studies grows significantly, given current trends of sentencing offenders to probation. Mistakes in recidivism prediction can result in serious consequences, unnecessarily putting the public at risk while weakening public faith in the legal institution.

The central purpose of this research is in keeping with the general tenets of probation, the first of which is protecting society while the second concentrates on rehabilitation of the offender. In addition to identifying differences and characteristics between first-time felony and felony recidivist offenders, this study examines the correlates of recidivist offenders and determines the severity of crime following the new offense. This research identifies offenders at risk of reoffending, providing agencies with the ability to target and adequately prepare for these offenders' needs. This research may also test the current method of determining offender risk and the results used to suggest policy changes in offender supervision and treatment, officer training, recidivism reduction, and increased community safety.

#### Population

All offenders who have reoffended after successful completion of felony probation in Denton County are included in the population of this study. The terms "reoffender" and "recidivist" are synonymous and used to define an offender who commits another offense

following successful completion of a probated sentence, probation. In keeping with Tex. Gov't Code § 509.007(b) (West 2005), the method for measuring program completion is defined as the completion of all required components. Additionally the mandate stipulates that an offender's release from the program is not related to any noncompliant behavior, inappropriate placement, or death. The agency method for measuring recidivism is defined as a re-arrest for a new separate offense that is punishable by incarceration (i.e., Class B misdemeanors and up). This accepted CJAD definition does not include arrests for Motions to Revoke Community Supervision and bond forfeitures.

As previously stated, probation is a growing sanction used by the court to sanction offenders' negative behaviors. The offender is supervised by a probation officer, an agent of the court tasked with the supervision of offenders in the community. Offenders on probation may violate the terms and conditions of their probation either by committing a new offense or by committing what is referred to as a "technical violation." A technical violation is generally described as a violation of one or more of the conditions of probation such as failure to attend counseling, make payments, or meet with the probation officer. For the purpose of this study, technical violations are excluded because they do not entail committing a new offense and often entail minor or superfluous violations.

Offenders in this study were observed and tracked for a period of three years. This is consistent with the largest single study of recidivism among felons on probation. The study, completed in 1992 by the U.S. Bureau of Justice Statistics, supported previous research findings that indicated potential to identify recidivists by tracking re-arrests over a three-year period (Langan & Cuniff, 1992). Working with Denton Community Supervision and Corrections Department (CSCD), a complete list of offenders meeting criteria was generated and separated



into two distinct groups: The first group consisted of 40 first-time felony offenders who had been sentenced to probation in calendar year 2000; the second group consisted of 40 felony offenders in calendar year 2000 who reoffended after a previous period of probation supervision.

Specifically, this second group comprised recidivist offenders who had committed new felony offenses and were sentenced to probation after having completed a prior period of probation.

Only 75 offenders in calendar year 2000 met criteria for the second group.

Presumably, this study could have been conducted in any city, county, or state across the United States. However, the city of Denton, TX, was selected because of ease of access to records, cooperation by probation agency personnel, city/county size, citizen education level, mixed demographics, and proximity to metropolitan areas. Denton is located a short distance from Dallas and Fort Worth, TX. Its demographics are comparable to most major cities across the United States. The selection of a city in Texas is also because Texas is widely viewed as the nation's toughest state on crime.

#### Individual Selection

Offenders selected for this study had to meet numerous criteria. In keeping with the main research question seeking to determine the differences between the first-time felony and recidivist felony offender, the selected individuals had to match the following criteria. For the first group, selected individuals had to have been sentenced to probation as a first-time felony offender; for the second group selected participants had to have completed at least one prior felony probation and have been placed on probation for a subsequent felony. A sample size of 40 offenders per group was selected for this study for a total of 80 offenders. This sample size was selected based on access to archived felony offenders and record availability. It should also be noted that the sample size was selected largely because the study is exploratory in nature.

Following determination of the sample size, 40 felony recidivist offenders who had successfully completed a prior felony probation were randomly selected from the 75 offenders who met the study's criteria. Selection from the original 75 recidivist offenders was determined at random by computer, and all 75 offenders had an equal chance of being selected. This same computer-generated selection helps to prevent sample error through the selection of participants via a computer case audit. The study's parameters are specific and allow for selection of the 40 participants; however, operator error is possible. Such an instrument error is not likely to invalidate this study, however, as the sample error is likely small and statistically not significant to the findings. The small scope of the study might be an area worth considering for future better-funded research. The same method was employed in selecting the 40 first-time felony offenders from the year 2000.

As previously mentioned, in order to be selected, offenders had to have been placed on probation during the year 2000. To account for the cyclical nature of crime trends, the months of January, February, and March were excluded in the initial selection. These months yield lower number of felony placements, resulting from a naturally sluggish court because of vacations, holidays, trainings, and illness that contribute to skeleton crews and fewer cases being run through the system. Additionally, these months seem inundated with domestic violence and alcohol-related offenses from the earlier holiday seasons of the previous year. Observed subjects were selected from the remaining months in 2000 starting with April.

For the purpose of this study and in keeping with accepted definitions of successful completion of probation, "rehabilitation" is defined as those individuals who did not reoffend, in effect, deescalating. Future research may include an in-depth study of these individuals to determine whether they increased the level of education, married, or obtained employment.

Other areas which might be addressed include sobriety from drugs and/or alcohol, restitution paid, and other improvements to the quality of the individual's life such as housing, health, and attachment to family, community, or social purpose.

This research is not intended as an assault on probation. Probation serves an important function not only to the community and victim(s) but to the offenders and their families as well. These benefits include but are not limited to victim restitution, tax relief for taxpayers, and the offender's support for his or her family, thus preventing further strain on society. In such families, the provider's loss is often devastating and has long-lasting effects, including poverty, sickness, and the need for public assistance. Some researchers assert that the imposition of a jail sentence on an offender escalates the crime problem by creating a perpetual series of criminals (Masters, 1994).

#### Data

Data was collected from the Denton CSCD. The data consisted of archival records maintained by the Denton CSCD, specifically, the Risk/Need Assessment instrument utilized by the agency to determine the offender's level of supervision. The Risk/Need Assessment instrument contains the variables which together make up the dependent and independent variables of this study -- chiefly, race, age, gender, employment status, education, convicted offense, prior misdemeanor arrest, prior felony arrest, history of drug abuse, and type of probation -- on the assumption that these variables correlate with probation outcome and might contribute to understanding recidivist offenders' characteristics. The Risk/Need Assessment also determines how offenders are supervised in the community by measuring each offender's risk to the community while subsequently addressing the offender's needs. The device is separated into two categories: risk, representing static variables; and needs, providing criminogenic variables.

In predicting recidivism, factors such as criminal history, age, and race are considered static or unchanging factors while criminogenic needs incorporate those things that can be changed such as attitudes, values, family, education, substance abuse, and employment. These variables constitute the factors for statistical analysis.

Use of the Risk/Need Assessment is appropriate for this research because:

- Risk/Need Assessment is used throughout the State of Texas as a tool to assess offender risk to community
- Risk/Need Assessment is available and consistently measured throughout offender supervision in the community
- Both static and dynamic variables are available
- Multiple measures were collected over the three-year period
- Supervisors cannot waive legal requirements or CJAD standards, which include Risk/Need assessments
- The officer completes a risk/needs assessment and supervision plan within sixty days of placement in the program
- Supervision Levels are determined by the instrument: Cases being provided direct supervision are classified in one of the following levels: Minimum, Medium, and Maximum.

This study represents a comparison design between first-time felony and felony recidivist offender. First, offenders were selected and categorized into two groups: (1) first-time felony and (2) recidivist felony offenders who reoffended after benefit of probation for a previous felony. Specifically, this second group, comprised of recidivist offenders who had committed a new offense after having been on probation previously, was the study's focus while the first group served as the comparison group. Data analysis consisted of collecting and reviewing archival records, which consisted of the Risk/Need Assessments on the selected offenders in 2000 and 2003.

Like past research, this study included criminal history as a major component; however, criminal history was examined in computing recidivist offenders' escalation. What percentage of recidivist offenders commits more serious crime after successful completion of probation? Specifically, the study seeks to address whether an escalation in type of crime occurs among recidivist offenders and to isolate any characteristics these individuals might share.

Determination of crime escalation was made using existing penal code definitions of offenses. Escalation of offense refers to any crime determined to be higher than the original crime for which the offender was placed on probation. This is not unlike the Federal Bureau of Investigation's (FBI) method of counting crimes by using the most serious crime despite the number of other crimes committed during the same crime event. Ultimately, these numbers may contribute to an understanding of whether probation is effective at protecting society, although this is not the focus of the study. Here, too, it will be necessary to analyze the type of crime for which the offender escalated.

It is important to note that probation and parole officers exercise wide discretion in imposing sanctions on offenders in their custody. This discretion presents a threat to the research outcome. This study avoids this threat, however, by focusing on crimes where discretion is not allowed. For the commission of a new felony offense, for example, probation and parole officers must file a motion with the court facilitating the offender's return before a judge.

In keeping with volumes of assessment instruments, eleven items are objectively scored to determine offender's potential risk to the community in the CJAD Risk Assessment instrument; these items include stability, employment, substance abuse, remorse, age of adjudication, periods of prior probation, revocations, commitments, juvenile record, and type of offense where a distinction in scoring occurs between property versus violent crime. Each

response generates a score where each score represents a weight, the risk of that offender to the community.

#### Data: Risk/Need Assessment

This section provides information on the specific variables. The item located inside the parentheses is the variable label assigned to each variable. The Risk/Need instrument is used as it provides the best means of ensuring data reliability in compliance with CJAD standards and definitions. The information is reviewed and scored by probation officers trained in conducting Risk/Need Assessments. As an added means of ensuring reliability, the scored instrument is routinely rescored by a qualified CJAD Auditor.

Table 3

#### *Risk/Need Variables Scored (2000)*

Demographic Variables	Subdivision	Score
Previous misdemeanor conviction ( <i>PmCon</i> )	0	Score 0
	1 or more	Score 1
Subject's age ( <i>Age</i> )	24 or older	Score 0
	20-23	Score 2
	19 or younger	Score 3
Subject's race ( <i>Race</i> )	Black	Score 1
	White	Score 2
Subject's ethnicity ( <i>Ethnic</i> )	Not Hispanic	Score 1
	Hispanic	Score 2
Subject's gender ( <i>Sex</i> )	Male	Score 1
	Female	Score 2
Marital status ( <i>Marital</i> )	Single	Score 1
	Married	Score 2
	Divorced	Score 3
	Separated	Score 4
	Widowed	Score 5

Demographic Variables	Subdivision	Score
Education level ( <i>Edlev</i> )	13 or more	Score 0
	10-12	Score 1
	7-9	Score 2
	K-6	Score 3
Employment status ( <i>EmpStat</i> )	Employed	Score 0
	Unemployed	Score 1
Citizenship ( <i>Citizen</i> )	U.S.	Score 0
	Other	Score 1
Military service ( <i>MilSer</i> )	0	Score 0
	1 or more	Score 1
Deferred or standard probation ( <i>DefStap</i> )	Deferred	Score 1
	Standard	Score 2

Table 4

*Risk Variables Scoring*

Risk Variables	Subdivision	Score
Number of address changes in last 12 months ( <i>Radd</i> )	0	Score 0
	1	Score 2
	2 or More	Score 3
Percentage of time employed in last 12 months ( <i>Remp</i> )	60% or more or not applicable	Score 0
	40%-59%	Score 1
	Under 40%	Score 2
Alcohol usage ( <i>Ralcuse</i> )	Alcohol use unrelated to criminal activity	Score 0
	Probable relationship between alcohol use and criminal activity	Score 1
	Definite relationship between alcohol use and criminal activity; e.g., Pattern of committing offense while using alcohol	Score 2
Other drug usage ( <i>Roduse</i> )	No abuse of legal drugs; no indicators of illegal drug involvement, i.e. use possession or abuse	Score 0
	Probable relationship between drug involvement and criminal activity	Score 1
	Definite relationship between drug involvement and criminal activity; ex pattern of committing offenses while using drugs, sale or manufacture of illegal drugs	Score 2

Risk Variables	Subdivision	Score
Attitude ( <i>Ratt</i> )	Motivated to change, receptive to assistance	Score 0
	Somewhat motivated but dependant or unwilling to accept responsibility	Score 3
	Rationalizes behavior; negative; not motivated to change	Score 5
Age at first adjudication of guilt ( <i>Rage</i> ) (Adult or juvenile—include deferred)	24 or older	Score 0
	20-23	Score 2
	19 or younger	Score 3
Number of prior probation/parole supervisions ( <i>Rnpev</i> )	0	Score 0
	1 or More	Score 4
Number of prior probation/parole revocations ( <i>Rprpapr</i> )	0	Score 0
	1 or More	Score 4
Number of prior felony adjudications of guilt or juvenile commitments, include deferred ( <i>Rnfel</i> )	0	Score 0
	1	Score 2
	2 or More	Score 4
Adult or juvenile adjudications ( <i>Radja</i> ) (Include current offense)	None	Score 0
	Burglary, theft, auto theft or robbery	Score 2
	Worthless checks, forgery	Score 3
Assaultive offense within last 5 years* ( <i>Rass</i> )	No	Score 0
	Yes	Score 8
Risk Score ( <i>Riskscr</i> ) and Level of Supervision (LOS)	Maximum	15+
	Medium	8-14
	Minimum	0-7

\*an offense which is defined as assaultive, or one which involves the use of a weapon, physical force or the threat of force



Table 5

*Needs Variables Scoring*

Needs Variables	Subdivision	Score
Academic/vocational skills ( <i>Nacad</i> )	High school or above	Score -1
	Adequate skills; able to handle everyday requirements	Score 0
	Low skill level causing minor adjustment problems	Score 2
	Minimal skill level causing serious adjustment problems	Score 4
Employment ( <i>Nemp</i> )	Satisfactory employment for one year or longer	Score -1
	Secure employment; no difficulties reported; or homemaker, student or retired	Score 0
	Unsatisfactory employment or unemployed but has adequate skills	Score 3
	Unemployed and virtually unemployable; needs training	Score 6
Financial management ( <i>NMoney</i> )	Long-standing pattern of self sufficiency	Score -1
	No current difficulties	Score 0
	Situational or minor difficulties	Score 3
	Severe difficulties; may include overdrafts, bad checks or bankruptcy	Score 5
Marital/family relationships ( <i>NMarry</i> )	Relationship and support exceptionally strong	Score -1
	Relatively stable relationships	Score 0
	Some disorganization or stress but potential for improvement	Score 5
Companions ( <i>Compan</i> )	Good support and influence	Score -1
	No adverse relationships	Score 0
	Associations with occasional negative results	Score 2
	Associations almost completely negative	Score 4

Needs Assessment	Subdivision	Score
Emotional stability ( <i>Emot</i> )	Exceptionally well adjusted; accepts responsibility for actions	Score -2
	No symptoms of emotional instability; appropriate emotional response	Score 0
	Symptoms limit but do not prohibit adequate functionality, e.g., excessive anxiety	Score 4
	Symptoms prohibit adequate functioning; e.g., lashes out or retreats into self	Score 7
Alcohol usage problems ( <i>nAlc</i> )	No use; use with no abuse; no disruption of functioning	Score 0
	Occasional abuse; some disruption of functioning	Score 3
	Frequent abuse; serious disruption of functioning	Score 5
Other drug usage problems ( <i>NDrug</i> )	Able to function independently	Score 0
	Some need for assistance; potential for adequate adjustment; possible retardation	Score 3
	Frequent abuse; serious disruption of functioning	Score 5
Mental ability ( <i>NMent</i> )	Able to function independently	Score 0
	Some need for assistance; potential for adequate adjustment; possible retardation	Score 3
	Deficiencies severely limit independent functioning; possible retardation	Score 6
Health ( <i>Nhealth</i> )	Sound physical health; seldom ill	Score 0
	Handicap or illness interferes with functioning on a recurring basis	Score 1
	Serious handicap or chronic illness; needs frequent medical care	Score 2
Sexual behavior ( <i>Nsex</i> )	No apparent dysfunction	Score 0
	Real or perceived situational or minor problems	Score 3
	Real or perceived chronic or severe problems	Score 5

Probation officer's impression of offender's needs ( <i>Npoimp</i> )	Well adjusted	Score -1
	No needs	Score 0
	Moderate needs	Score 3
	High needs	Score 5
Need Score ( <i>nscore</i> ) and Level of Supervision (LOS)	Maximum	30+
	Medium	15-29
	Minimum	14 and below

\*an offense which is defined as assaultive, or one which involves the use of a weapon, physical force or the threat of force

### Data Analysis

By using a comparative design, this study examines differences between first-time felony and felony recidivist offenders. The variables examined included race, age, gender, employment status, education, convicted offense, prior misdemeanor arrest, prior felony arrest, history of drug abuse, and type of probation on the assumption that these variables correlate with probation outcome and recidivism. In predicting recidivism, factors such as criminal history, age, and race are considered static or unchanging factors while criminogenic needs include those factors that can be changed such as attitudes, values, family, education, substance abuse, and employment. These variables constitute the factors for statistical analysis. These variables constitute predictor variables generally considered correlates of recidivist offenders. Comparisons are made between the three group from the variables described above.

### Descriptive Analysis

This section identifies the types of offenders placed on probation in calendar year 2000. In order to present information on these offenders, cross tabulations and frequency tables were selected to best represent the data set. To examine the research question, we first utilized descriptive statistics to compare basic demographics. Then, in order to answer the research

question bivariate significant tests, Chi-square and Independent Sample *t*-tests were employed when appropriate.

### Limitations

As in any research, the current study is not without limitations. The first and most obvious limitation is the small sample size, which threatens the study's statistical significance. As previously mentioned, the sample size is kept small as this research is chiefly an exploratory study. Obviously, a larger study would have been favored; however, time, finances, and access to records presented a considerable obstacle to increasing the sample size. Additionally, only a limited number of individuals met the study's parameters. Ideally, to correctly identify the differences between successful first-time felony probationer and felony recidivist probation offenders, a larger sample selected from throughout Texas or the nation would be more representative. Similarly, a larger sample might yield different results in relation to the percentage of felony recidivist probation offenders who actually commit more serious crime.

The population and sample size in the present study may not accurately represent the differences between first-time felony probationer and felony recidivist probation offenders or what percentage of felony recidivist probation offenders actually commit more serious crime. This then becomes the second limitation of the study, generalizability.

As mentioned previously, given the selection of the test city, it is generally believed that the findings are applicable to most locations. However, probation is practiced differently across the nation and, arguably, no two probation offices are alike. Still, this study maintains that any escalation in the grade of a crime requires a motion to revoke probation. Probation officers would be negligent to ignore the commission of a new, serious offense as defined by existing penal codes. Additionally, history is also a limitation of the research. Changes in the offender's

life such as maturation, marriage, divorce, employment, offspring, and/or death can impact the study.

Another limitation of the study came from the use of the Risk/Need Assessment. This tool is highly subjective and may be scored differently among officers. Additional limitations include human error issues such as the liability in dealing with human subjects, data entry, archival record retention, expunction of record primarily first felony offenders, non-disclosure, and the outcome of a case can rely on representation by competent attorney.

Another important limitation which should be noted is the differences between felons and felony types. This is to say that not all felons are alike. Many felons and felony offenses savor different offense patterns for different crimes. It is important to note different triggers and patterns in types of crimes exist. As a result of all felons in the present study being aggregated, the results may be masked.

Despite these limitations, the research yields important findings in criminal justice. While previous studies have explored recidivism, they have typically centered on reconviction, recommitment to prison, and re-arrest. The present study focused on the felony recidivist probation offender in general as opposed to prisoners or high profile offenders. The present study can help to address gaps in the existing research regarding the differences between first-time felony probationers and recidivist felony probation offenders.

## CHAPTER IV

### ANALYSIS/FINDINGS

In addition to examining the characteristics of offenders who continue to commit felony offenses after successful completion of felony probation, this study looks at the percentage of recidivist offenders who actually commit more serious crime after completing probation. The main focus of the study, however, is examining the differences between the first-time felony and the felony recidivist offender. By determining the differences between these types of offenders, this research identifies offenders at risk of reoffending, thus providing agencies with the ability to target and adequately prepare for the needs of these offenders while contributing to public safety.

The differences between first-time felony and felony recidivist offenders were determined using a comparative design of data collected by the Denton County Community Supervision and Corrections Department (CSCD). Archival data from between calendar year 2000 and 2003 on 40 first-time felony probation offenders (labeled as Group A) and 40 felony recidivist probation offenders (labeled as Group B) selected at random were then compared. Data are presented and analyzed in this chapter. Several methods, including chi-square and independent sample *t* tests, are used in order to facilitate an understanding of the differences between these groups. Utilizing a comparison longitudinal model, the groups will be observed over a three-year period in order to examine the differences in their characteristics.

To ascertain what percentage of recidivist offenders actually commit more serious crimes, those offenders selected in Group B were measured in the following manner: The 2000 offense category was compared to the previous felony offense category for which the offender completed probation.

Analysis of these two groups proceeds in four general segments. Descriptive analysis encompasses the first segment for analysis. In order to provide a quick reference in similarities and differences between these groups, comprehensive descriptive statistics are utilized. Variables such as previous misdemeanor conviction, offender's age, race, ethnicity, sex, marital status, education level, employment status, citizenship, and military service were analyzed first. The demographic characteristics of the sample are discussed in this segment.

This analysis is followed with a study of the bivariate relationships of the variables believed to most correlate with probation outcome encompassing the second and third segments for analysis. Independent sample *t* test comparisons between the two identified groups are used to further explore the differences between groups while also examining the significance of variable cohorts in reoffending. The research hypothesis follows that first-time felony probationers and recidivist felony probation offenders are different. The fourth analysis consists of an examination of recidivism for both groups.

#### Research Question 1

Analysis of the differences between first-time felony probationers and felony recidivist probation offenders.

#### *Demographic Variable Assessment Significant Variables*

The composition of the population includes a random sample of male and female felony offenders age 18 and older placed on probation during calendar year 2000 in Denton County. The first-time felony probationer categorized in Group A and the recidivist felony probation offender of Group B had a number of similarities as seen in Table 6. There are also some differences as evidenced in Table 6 which must be further explored to gain an understanding of

the differences between these two groups. Table 6 exhibits descriptive statistics for independent variables for all offenders selected for the study.

As demonstrated in Table 6, the overall sample is predominantly male (60%) and white (85%). Between Group A, first-time felony probationer, and Group B, recidivist felony probation offender, there was little variation in the areas of gender and race although as shown in Table 6, race is significant. Similarly, the majority of the sample had at least a high school level education. While previous studies point to education or the lack thereof as an important variable in criminal behavior, the results between the two groups was inconclusive. This inclusive result may largely be the result of the small sample size, however, and does not imply that education should not be viewed as an important consideration.

Table 6

*Demographic Descriptive Statistical Characteristics of the Sample*

Lynton – Correlates of Recidivism: A study examining the differences between first time felony probationer and recidivist felony probation offender

Table Continued

Characteristics	N	Group A %/X/SD	Group B %/X/SD	$\chi^2$	df	$\Phi$	p
<i>Ed Level</i>							
Less HS	27	34.2%	27	34.2%	.027	1	.531
HS or more	13	16.5%	13	16.5%			.869
<i>Employment Status</i>							
Employed	32	80.0%	27	67.5%	1.614	1	.142
Unemployed	8	20.0%	13	32.5%			.204
<i>Citizenship</i>							
US	39	97.5%	39	97.5%	.000	1	.000
Other	1	2.5%	1	2.5%			1.00
<i>Military Service</i>							
None	38	95.0%	38	95.0%	.000	1	.000
One or More	2	5.0%	2	5.0%			1.00
<i>Deferred or Standard Probation</i>							
Deferred	31	77.5%	22	55.0%	4.528	1	.238
Standard	9	22.5%	18	45.0%			.033

1Age was compared using an Independent Sample T-Test to compare the difference between means.  
Source: Denton Community Supervision and Corrections Department Archive Data



Analysis of Table 6 indicates that there is a significant difference between groups in the area of previous misdemeanor convictions. Of the total sample, 40% had a previous misdemeanor. There was an observable difference between groups in the area of prior misdemeanor in that 7.5% of Group A had a previous misdemeanor while a larger number, 27.5%, in Group B had previous misdemeanor convictions ( $\chi^2 = 35.208455$ ,  $df = 1$ ,  $p \leq .000$ ). Whether an offender was placed on deferred or standard probation is also significant ( $\chi^2 = 4.528$ ,  $df = 1$ ,  $p \leq .033$ ).

Similarly, there was a significant difference between the ages between Groups A and B. On average, Group A offenders were older while Group B offenders were younger. The average age of offenders in Group A was 37, which was significantly older than the average age of offenders in Group B. The results of the chi-square analysis on age illustrated a significant difference between Groups A and B in that the Group A first-time felon had an average age of 37 with a standard deviation of 11 years, compared to the Group B recidivist who had an average age of 33 with a standard deviation of 8 years and a significance level of .05.

In comparing demographic characteristic differences between groups as demonstrated in Table 6, Group A, first-time felony probationer, and Group B, recidivist felony probation offender, there was little variation in the areas of gender and race. Further analysis of Table 6 indicates a number of similarities. The majority (68) of the sample ( $n = 80$ ) was white, non-Hispanic. Although not shown in tabular form, when broken down into categories for analysis, 95.5% of the full sample was white (76), non-Hispanic while 5.5% of the full sample (4) fell under the ethnic category of Hispanic ( $\chi^2 = .000$ ,  $df = 1$ ,  $p \leq .005$ ). There were more white offenders than blacks; however, Group B, recidivist offenders, have significantly more black offenders than their first-time felony offender counterparts ( $\chi^2 = 1.569$ ,  $df = 1$ ,  $p \leq .005$ ).

### *Demographic Variable Assessment Not Significant*

Although 95% of the sample was non-Hispanic, there were no significant differences in terms of ethnicity. As a caveat of the study, race loses a great deal of information. Race by government standard is measured as either white or black. As a discrete racial group, white encompasses all individuals including many Latinos. These limited categories point to a problem understanding race. The findings here seem to speak to a limited understanding of racial category by government agencies and suggest a need to better categorize race in order to more effectively serve institutions and communities. Another category in need of address is employment.

Although employment was not significant in this sample, having employment as a dichotomous value does not capture the essence of employment or labor status ( $\chi^2 = 1.614$ ,  $df = 1$ ,  $p \leq .005$ ). For example, it does not capture whether a person was employed full-time, part-time, seasonal, or contractual labor. The separation of employment into various categories may uncover more useful information. This would appear more a limitation of the agency software or underutilization of software by the agency and not necessarily indicative of a shortcoming in categorization.

Given the small sample size, it is hard to determine what the intersection of gender is with the other social factors that could explain away recidivism. Although there are no visible differences between the genders of these two groups, differences may be found when controlled for other confounding factors. There are some dangers when gender is compared within the criminal justice system because of the inherent differences between the genders and how they experience the criminal justice system. Men and women experience the criminal justice differently and, as a result, it is difficult to determine the findings.

Education is not significant with the present study because the distribution is evenly distributed within the sample. This is in contrast with other studies which indicate that education does make a difference; however, the analysis does not control for other confounding factors such as race and gender, which may yield different results. An assertion can safely be made that education does create opportunity for the offender, opportunities which might prevent criminal activity however, education was determined not significant. Similarly, the marital status of Group A and Group B does not significantly vary. It should be noted that marital status does not indicate number of times married either which might yield interesting results.

#### *Demographic Variable Assessment Summary*

In summation of the Demographic Variable Assessment Summary, the Group B, recidivist felony probation offender, differs in two major areas. Analysis points to key demographic differences in that the Group B, recidivist felony probation offender:

- Has more previous misdemeanors, and
- Is younger than the Group A first-time felony offenders

Although the assumption carries that the first time offender would be younger, the research implies otherwise and supports the literature review assertion that recidivist offenders begin their criminal behavior at an earlier age. This also would appear to speak to the recidivist offender having more previous misdemeanors. Presently, little attention is given to misdemeanor offenses in scoring the risk/needs assessment and may indicate an area in need of revision.

#### *Risk Assessment*

Mean scores for each group were used to address Research Question 1. Utilizing both the risk and need assessment is helpful in determining differences between these two groups: Group A, first-time felony probationer, and Group B, recidivist felony probation offender. Mean scores

were calculated on first the Risk scores for each group as shown in Table 7 followed by the Needs score displayed in Table 8. Analysis of Table 7 shows that mean (average) scale scores of first-time felony probationers were lower than scores for recidivist felony probation offenders on many variables in the risk comparison. As anticipated, recidivist offenders scored higher in the risk comparison in almost all variables with three exceptions: number of address changes, percentage of time employed, and assaultive offenses -- all of which will be explored in the following chapter.

Table 7

*Risk Comparison of First-Time Felony and Recidivist Felony Offenders*

Variables	Group A			Group B			$\chi^2$ Significance
	<i>M/%</i>	<i>SD</i>	<i>SE</i>	<i>M/%</i>	<i>SD</i>	<i>SE</i>	
# address changes	1.13	1.362	.215	.88	1.181	.187	.025
% time employed	.35	.580	.092	.28	.554	.088	.382
Alcohol usage	.55	.714	.113	.85	.802	.127	.564
Other drug use	.65	.834	.132	.75	.870	.138	.609
Attitude	1.50	1.961	.310	1.75	2.072	.328	.436
Age at 1st adjudication	1.40	1.646	.260	2.10	1.865	.295	.127
# of prior probation/parole supervisions	1.40	1.932	.306	2.60	1.932	.306	1.0
# of prior probation parole revocations	.10	.632	.100	1.20	1.856	.294	.000
# of prior felony adjudication of guilt	.45	1.154	.182	.90	1.429	.226	.013

Any adjudication for non-violent property	.60	1.081	.171	1.02	1.250	.198	.013
Assault offense	3.00	3.922	.620	1.80	3.83	.535	.005
Risk score 2000	11.38	6.254	.989	14.13	8.453	1.336	.025

Source: Risk/Need Instrument 2000

The risk portion of the Risk/Needs Assessment instrument is displayed in Table 7. Here, the static items are examined, scoring items generally recognized as contributing to recidivism such as alcohol and drug use, age at first adjudication of guilt, and prior instances of probation or parole. Higher scores generally indicate greater risk. Results from Research Question 1 using Table 7 reveal that there was a significant difference between groups in the areas of number of address changes, number of prior probation/parole revocations, number of prior felony adjudication of guilt, number, adult/juvenile adjudication for nonviolent property, and assaultive offenses while percentage of time employed, alcohol and drug use, attitude, and age at first adjudication of guilt appear not statistically significant.

#### *Risk Assessment Significant Variables*

When the number of prior probation/parole revocations is used as a variable, not surprisingly, Group B exceeds Group A with some measure of statistical significance. Analysis of the number of prior probation/parole revocations determined that the mean for Group B ( $M = 1.20$ ,  $SD = 1.856$ ) was higher than Group A ( $M = .10$ ,  $SD = .632$ ). This difference was statistically significant  $t(78) = -3.547$ ,  $p < .05$ .

Similarly, statistical significance can be found when examining adult/juvenile adjudications for non-violent property crimes. Consistent with national trends in the Uniform Crime Report (UCR), the Risk/Need Assessment instrument identifies these property crimes as burglary, theft, auto theft, robbery, worthless checks, or forgery. Of all the literature reviewed for

this study, property offenders were the most likely to reoffend. Examination of adult/juvenile adjudication for non-violent property as the variable shows the mean for Group B ( $M = 1.02$ ,  $SD = 1.250$ ) to be higher than Group A ( $M = .60$ ,  $SD = 1.081$ ). This difference was statistically significant  $t(78) = -1.626$ ,  $p < .05$ .

#### *Risk Assessment Variables Not Significant*

As suggested by the literature review analysis, the number of address changes seems to contribute to criminal activity; however, the mean between groups indicates that the first-time offender is more transient than the recidivist offender. The number of address changes simply refers to whether or not the offender changed addresses one or more times in the last year. The mean for Group A ( $M = 1.13$ ,  $SD = 1.362$ ) was higher than that for Group B ( $M = .88$ ,  $SD = 1.181$ ). This difference was statistically not significant  $t(78) = .877$ ,  $p < .05$ . The score is generated by calculating the number times an offender moves within a given year. The result suggests that the first-time felony offender is largely unsettled.

When assaultive offense is the variable examined, surprisingly Group A scores significantly higher than Group B. Assaultive offense refers to any offense which involves the use of physical force, threat of physical force or a weapon. The result suggests that first-time felony offenders are more assaultive than recidivist offenders. In assaultive offenses, the mean for Group A ( $M = 3.00$ ,  $SD = 3.922$ ) was higher the mean for than Group B ( $M = 1.80$ ,  $SD = 3.383$ ). This difference was statistically not significant  $t(78) = 1.465$ ,  $p < .05$ .

Where percentage of time employed was calculated, the mean for Group A ( $M=.35$ ,  $SD=5.80$ ) was higher than Group B ( $M = .28$ ,  $SD = .554$ ). The variable refers to the time that society would expect the person to be working, specifically, what percentage of said time was the person working. A student, retiree, physically disabled individual or homemaker, by accepted

societal standards, would not be expected to be working. This difference was not statistically significant  $t(78) = .592, p > .05$ . Similarly, when analyzing alcohol use, the mean for Group B ( $M = .85, SD = .802$ ) was higher than Group A ( $M = .55, SD = .714$ ); however, this difference was also not statistically significant  $t(78) = -1.766, p > .05$ . Basis for this score is determined in that alcohol was involved in or influenced the offender's current or past criminal offenses.

Examination of the data for difference employing drug usage as a variable between first-time felony probationers and recidivist felony probation offenders also was determined to be not statistically significant. Similar to alcohol, basis for drug use as a variable is calculated by examination of drug use involved in or influencing the offender's current or past criminal offenses. When comparing means for drug use, the mean for Group B ( $M = .75, SD = .870$ ) was higher than Group A ( $M = .65, SD = .834$ ). This difference was not statistically significant:  $t(78) = -5.25, p > .05$ .

In much the same way, when attitude was explored as the variable, the attitude of defendants between the two groups was determined not significant. The variable attitude rates the offender's acceptance of responsibility for illegal behavior, receptiveness to assistance, and motivation to change. Although the mean for Group B ( $M = 1.75, SD = 2.072$ ) was higher than Group A ( $M = 1.50, SD = 1.961$ ) there was insufficient variation between groups. This difference was not statistically significant  $t(78) = -.554, p > .05$ .

A similar finding resulted when age at first adjudication of guilt was examined. Use of the word adjudication here refers to a disposition by the criminal justice system that implies or indicates the defendant was guilty of an offense. Usually, it follows that the disposition is formal as in the disposition of a case by either deferred or standard probation; however, it may also mean informal disposition such as in pre-trial diversion programs. Juvenile offense history is also

included in this variable in those cases where the delinquent act would have been an offense had the juvenile offender been an adult. Status crimes such as truancy or runaway were not included in this variable. The mean for Group B ( $M = 2.10$ ,  $SD = 1.865$ ) was higher than Group A ( $M = 1.40$ ,  $SD = 1.646$ ). This difference was statistically not significant  $t(78) = -1.780$ ,  $p > .05$ .

This may be the result of not controlling for misdemeanor convictions in the sample. Lack of control for misdemeanor infractions of the law also contributes to a finding of not significant with regard to the number of prior probation parole supervisions for offenders. When the number of prior probation parole supervision is examined, the mean for Group B ( $M = 2.60$ ,  $SD = 1.932$ ) was higher than the mean for Group A ( $M = 1.40$ ,  $SD = 1.932$ ). This difference was not statistically significant  $t(78) = -2.777$ ,  $p > .05$ . This difference may be explained by previous misdemeanor probations.

#### *Risk Assessment Summary*

In summary, from the analysis of the risk assessment, Group B offenders differ in that they are more prone to have prior probation and parole revocations. Group B recidivist offenders also have more adjudications for non-violent property offenses in comparison to the Group A first-time offenders. Group B offenders also tend to change physical addresses less than Group A offenders and have fewer assaultive offenses than Group A offenders.

The findings are constant with the demographic variable assessment as the recidivist offender has more opportunity for probation revocations do to their frequent involvement with the legal system. As indicated in the Demographic Variable Assessment, recidivist offenders had prior instances of misdemeanor infractions of the law. The literature review and previous research indicates that offenders adjudicated for non-violent property offenses are the most likely to reoffend with new offenses. An argument can also be made that instances of nonviolent



property offense, such as theft by check, usually can precede a myriad of offenses such as a forgery of financial document charge.

### *Needs Assessment*

The Needs Assessment instrument is examined in Table 8. The needs or criminogenic items display elements that can be changed such as attitudes, values, family, education, substance abuse, and employment. Unlike Table 7, Table 8 illustrates that the mean (average) scale scores of Group A, first-time felony probationers, and Group B, recidivist offenders, appear to be equally distributed. Whereas the mean for Group A is higher in the areas of employment needs and companions, Group B surpassed Group A in the areas of marital relationships and alcohol and drug usage problems. Analysis of Table 8 finds 7 variables significant: academic vocational skill, financial management, emotional stability, mental ability, needs scored health, needs scored sexual behavior, and needs scored probation officer impression., Meanwhile, employment, marital/family relationships, companions, alcohol and drug use were determined not significant on the needs score assessment.

Table 8

#### *Needs Comparison of First Time Felony and Recidivist Felony Offenders*

Variables	Group A			Group B			$\chi^2$ Significance
	<i>M</i>	<i>SD</i>	<i>SE</i>	<i>M</i>	<i>SD</i>	<i>SE</i>	
Academic/vocational	.33	1.207	.191	.03	.768	.121	.001
Employment	.98	1.672	.264	.95	1.694	2.68	.926
Financial mgmt.	2.35	1.902	.301	2.50	1.553	.245	.031
Family relationships	2.05	2.012	.318	2.20	1.757	.278	.084
Companions	1.70	1.244	.197	1.65	1.494	.236	.099

Emotional stability	1.85	2.271	.359	1.08	1.940	.307	.012
Alcohol usage	1.80	2.015	.319	2.40	2.17	.343	1.00
Drug usage	1.63	2.022	.320	1.78	2.006	.317	.974
Mental ability	.45	1.085	.172	.08	.474	.075	.000
Health	.03	.158	.025	.08	.267	.042	.040
Sexual behavior	.57	1.567	.248	.13	.791	.125	.001
PO impression	3.45	.846	.134	3.73	1.154	.183	.004
Needs score 2000	17.18	8.218	1.299	16.58	7.128	1.127	.572

Source: Risk/Need Instrument 2000

### *Needs Assessment Significant Variables*

Contrary to general beliefs and stereotypes of the criminal offender as being academically deficient or vocationally lacking, analysis of academic and vocation skills in the needs instrument yields different information. When academic or vocational skills is used as the variable between groups, the mean for Group A ( $M = .33$ ,  $SD = 1.207$ ) was higher than Group B ( $M = .03$ ,  $SD = .768$ ). This difference was statistically significant  $t(78) = 1.327$ ,  $p < .05$ .

Group B, recidivist felony offenders, do exhibit better financial skills, however. This variable measures the offender's income, budget, and credit. When financial management is explored as the variable between groups, the recidivist offender manages funds significantly better. The mean for Group B ( $M = 2.50$ ,  $SD = 1.553$ ) was higher than Group A ( $M = 2.35$ ,  $SD = 1.902$ ). This difference was statistically significant  $t(78) = -.386$ ,  $p < .05$ .

The comparison results of emotional stability and mental ability between groups presents curious findings. For the needs instrument, the score is determined by oral interpretation of offender response, access to medical information, or previously determined medical, emotional, or mental diagnosis. Fear, anger, guilt, grief, and anxiety are the major emotions that cause

difficulties and provide the basis for the variable. A high score is demonstrative of severe emotional issues. When emotional stability is the comparison variable, the mean for Group A ( $M = 1.85$ ,  $SD = 2.271$ ) was higher than Group B ( $M = 1.08$ ,  $SD = 1.940$ ). This difference was statistically significant  $t(78) = 1.641$ ,  $p < .05$ . Similarly, when mental ability is examined, the mean for Group A ( $M = .45$ ,  $SD = 1.085$ ) was higher than Group B ( $M = 0.8$ ,  $SD = .474$ ). This difference was statistically significant  $t(78) = 2.003$ ,  $p < .05$ . As with emotional stability, the variable mental ability demonstrates profound intellectual problems with a high score. The variable refers to the degree to which the offender is able to maintain himself independently in the community and in gainful employment in addition to any social and personal standards and responsibilities set by the community.

Examinations of the needs health scores indicate that the recidivist felony offender is generally in better health than the first-time felony offender. The variable health refers to the offender's school or work attendance due to illness, dental or hygiene problems, appearance or general sleeping, eating, and exercise habits. The mean for Group B ( $M = .08$ ,  $SD = .267$ ) was higher than Group A ( $M = .03$ ,  $SD = .158$ ). This difference was statistically significant  $t(78) = -1.020$ ,  $p < .05$ .

One surprising area follows results of the analysis of sexual behavior in the needs score analysis. This specific variable is entirely voluntary on the part of the offender; however, the probation officer can not exclude offense in scoring. That is to say that if the offense is a sexual offense, the score must follow either the convicted offense or facts behind the conviction offense. Voluntary disclosure in this variable would indicate a problem indicator viewed in the offender's criminal history, a sexual offense, or previous treatment for a sexual problem. Additionally, if the offender voluntarily disclosed information about having been sexually abused as a child or a

sexual problem then the item is scored accordingly. The mean for Group A ( $M = .57$ ,  $SD = 1.567$ ) was higher than Group B ( $M = .13$ ,  $SD = .791$ ). This difference was statistically significant  $t(78) = 1.621$ ,  $p < .05$ .

Despite the general findings in the study, it would seem that the probation officers tasked with supervising the offenders in the study maintain that the recidivist offender had moderate to high needs. This was determined by examination of the scored probation officer impression which while not necessarily scientific best defines how the officer observed the offender. When the probation officer's impression of the offender is examined, the mean for Group B ( $M = 3.73$ ,  $SD = 1.154$ ) was higher than Group A ( $M = 3.45$ ,  $SD = .846$ ). This difference was statistically significant  $t(78) = -1.215$ ,  $p < .05$ .

#### *Needs Assessment Variables Not Significant*

When employment is examined as the key variable, there is only a marginal difference between groups. The mean for Group A ( $M = .98$ ,  $SD = 1.672$ ) was higher than Group B ( $M = .95$ ,  $SD = 1.694$ ). This difference was not statistically significant  $t(78) = .066$ ,  $p > .05$ .

An analysis of marital family relationships shows the mean for Group B ( $M = 2.20$ ,  $SD = 1.757$ ) higher than Group A ( $M = 2.05$ ,  $SD = 2.012$ ). Although this difference was not statistically significant  $t(78) = -.355$ ,  $p > .05$ , there is considerable indication in the literature review to suggest the benefit of marital family relationships. Similarly, prevalent theoretical models and assertions contend the importance of companions; however, when companions were examined as a variable, there is not a large significance between group means. The mean for Group A ( $M = 1.70$ ,  $SD = 1.244$ ) was higher than that of Group B ( $M = 1.65$ ,  $SD = 1.494$ ). This difference was not statistically significant  $t(78) = .163$ ,  $p > .05$ .

As in table 7, examination of drug and alcohol usage, in particular problems associated with the use of alcohol or drugs, suggest little variation between groups. When alcohol usage is examined, the difference is not significant. The mean for Group B ( $M = 2.40$ ,  $SD = 2.170$ ) was higher than Group A ( $M = 1.80$ ,  $SD = 2.015$ ). This difference was not statistically significant  $t(78) = -1.281$ ,  $p > .05$ . Likewise, when drug usage is considered as the variable, the problem associated with drug use is determined not statistically significant. The mean for Group B ( $M = 1.78$ ,  $SD = 2.006$ ) was higher than the mean for Group A ( $M = 1.63$ ,  $SD = 2.022$ ). This difference was not statistically significant  $t(78) = -.333$ ,  $p > .05$ .

#### *Needs Assessment Summary*

Group B offenders differ in the analysis of the Needs Assessment in that they:

- Have less financial management
- Are in worse health
- Are likely to require more officer intervention and a greater deal of the officer's time
- Less academic and vocational skills
- Less emotional or behavior coping skills
- Less mental ability in that they frequently have less response, access to medical information, or previously determined medical, emotional, or mental diagnosis
- Less likely to have previous treatment for a sexual problem such as being sexually abused as a child or a sexual problem

To summarize analysis of the Needs Assessment, Group B members, recidivist felony probation offenders, are different from Group A members, first-time felony offenders, in that Group B offenders have less financial management skills. In addition, analysis indicates Group B subjects had greater health concerns than the Group A subjects. Some measure of research points to a greater level of criminal thinking. Moreover, Group B offenders tended to be viewed by

their supervision officers as requiring greater needs, generally the average to multi-problem offender likely to require a great deal of the officer's time.

### Responding to Research Question 2

What percentage of felony recidivist probation offenders actually commits more serious crimes?

This study also analyzed recidivism, specifically looking at what percentage of recidivist offenders actually commit more serious crime after completion of probation. Conceptually, identifying the characteristics of these offenders can enable agencies to target and adequately prepare for these offenders' needs, ultimately increasing public safety while decreasing demands for costly incarceration facilities. Determination of crime escalation is possible using existing penal code definitions of offenses. Escalation of offense as demonstrated refers to any crime determined to be higher than the identified crime in calendar year 2000 for which the selected offender was placed on probation.

The response to this question can be found by examining Group B. As previously stated, and in order to be selected, participants in Group B had to have completed one prior felony probation and have committed a new unrelated felony offense in the year 2000. This formula allows for examination of escalation by comparing the calendar year 2000 felony offense to the previous felony offense for which the offender was placed on probation. The escalation analysis evolves first by identifying those offenders from Group B whose crime in 2000 was greater by category of offense than the initial crime. Of the selected offenders, 11 of the 40, or 27.5%, actually committed a more serious crime following successful completion of probation.

Table 9

*Escalation Visualization Table*

Group B: Prior felony offense	2000 probation offense
F3-AGG ASSAULT W/DEADLY	F2-POSS CS PG 1 $\geq 4G < 20$
FS-CRIMINAL MISCHIEF	F3-POSS CS BY FRAUD SCH
FS-CREDIT CARD ABUSE	F2-POSS CS BY FRAUD SCH
FS-MAN DEL CS PG 2 $< 1G$	F1-MAN DEL CS PG 1 $\geq 4G$
F3-BURGLARY OF VEHICLE	F2-AGG ASSAULT W/DEADLY
F3-AGG ASSAULT W/DEADLY	F2-POSS CS PG 1 $\geq 4G < 20$
FS-MAN DEL SELL/POSS CO	F3-VIOL OF PROTECTIVE ORDER
F3-INJURY CHILD W/INT B	F2-AGG ASSAULT W/DEADLY
F3-POSS CS PG 1 $\geq 1G < 4G$	F2-POSS CS PG 1 $\geq 4G < 20$
FS-POSS CS PG 1 $< 1G$	F2-POSS CS BY FRAUD SCH
F3-AGG ASSAULT W/DEADLY	F2-POSS CS PG 1 $\geq 4G < 20$

As previously stated, when examining escalation, 11 of the 40 subjects (27.5%) selected at random for Group B escalated from the time of their initial successful completion of probation to their new felony offense resulting in a subsequent sentence to probation in 2000. The first of these subjects went from a third-degree offense of aggravated assault with a deadly weapon to a second-degree category offense of possession of controlled substance property G 1  $\geq 4G < 20$ . Similarly, the second subject escalated from a state jail felony offense of criminal mischief to a third-degree felony, possession of controlled substance by fraud.

An interesting caveat resulted from the analysis of escalation during this study. When considering escalation, it is important to note that the State of Texas is unique in its creation of the state jail felony (SJF) category. This category serves as an alternative to the prison boom of the late 1980s and early 1990s. In response to the surge in prisons, Texas policymakers championed the State Jail Initiative, an attempt to alleviate the growing fiduciary responsibility of the offender punishment.

One of the primary goals of this initiative was the use of community supervision as a means of positive reintegration. In order to deflect low-level offenders from prison, Texas reformed its sentencing law in 1993 with the creation of the state jail felony category. Referred to as “baby felonies,” the state jail felony was formed from the lower tier of offenses such as property offenses or possession of a controlled substance (under one gram of cocaine per se), both of which were previously categorized as third-degree felonies. Given the unique state jail system in Texas, an argument could be made concerning the model used in the present study to analyze escalation that these offenders did not in fact escalate; however, any such claim should be dismissed since the category exists under statute and is commonly recognized in identifying offender criminal history, risk, and needs.

Still, it is interesting that only 2 of the 11 (18%) of those individuals identified as escalating following successful completion of probation, follow a trajectory of a state jail felony category offense to a third-degree felony. The second individual to follow the trajectory went from a state jail offense of manufacture, deliver, sell or possession of a controlled substance to a category 3 violation of a protective order. Upon further examination, however, there does not appear to be a definable pattern in offender criminal activity throughout the life course in the present study. With only a few exceptions, escalation did not seem to follow any predictable



path. An offender who originally completed a period of probation following a state jail felony charge of credit card abuse, for example, next escalated with a second-degree offense of possession of controlled substance by fraud. Another offender escalated from a third-degree category offense of injury to a child with intent to commit bodily injury to a second-degree aggravated assault with a deadly weapon, while yet another individual went from aggravated assault with a deadly weapon to a second-degree offense of possession of controlled substance property group 1>=4g<2o. Similarly, another individual went from a burglary of a vehicle to an aggravated assault with a deadly weapon, which falls under the category of a second-degree offense. The next offender increased in offense severity from a felony offense of aggravated assault with a deadly weapon to a charge of possession of a controlled substance property group 1>=4g<2o.

Only three of the offenders identified as having escalated seemed to follow a trajectory consistent with their original charge. The first of these completed a period of probation for a felony charge of manufacture and delivery of a controlled substance property group 2<1G, which falls under the state jail felony category. Escalation followed with the first-degree felony category offense of manufacture and delivery of a controlled substance property group 1 >=4g. Similarly, another offender escalated in this manner, going from a felony three offense of possession of a controlled substance property group 1>=4g to the second-degree category offense of possession of a controlled substance property group 1>=4g<2o.

### Correlates and Predictors of Recidivism

Previous research has examined race, age, gender, employment status, education, convicted offense, prior misdemeanor arrest, prior felony arrest, history of drug abuse, and type of probation on the assumption that these variables correlate with probation outcome. The

research findings would seem to reaffirm that at least some of these factors do indeed contribute to recidivism. Interpretation of the data suggests some differences between the two groups in that recidivist offenders (Group B) tend to be younger and have at least one or more previous misdemeanor. This would seem to reiterate the findings of previous studies which assert the importance of early intervention and cry for resources and attention focused at the juvenile system.

While this study did not seek to challenge the efficacy of the existing Risk/Need Assessment utilized in determining the likelihood of offender recidivism, the study results do seem to validate the instrument. As demonstrated in Table 10 below, while the need score is not significant, there is a significant difference between the total risk score between Groups A and B. An independent sample *t* test indicates that both groups score in the medium range in their needs.

Table 10

*Independent Sample t test Comparing Risk and Needs of Group A, First-Time Felony Offenders and Group B, Recidivist Felony Probation Offender*

Group Statistics	Group	<i>N</i>	<i>M</i>	<i>SD</i>	<i>SEM</i>
Risk Score 2000	Group A	40	11.38	6.254	.989
	Group B	40	14.13	8.453	1.336
Needs Score 2000	Group A	40	17.18	8.218	1.299
	Group B	40	16.58	7.128	1.127

These results support the validity of the current Risk/Need Instrument.

## CHAPTER V

### DISCUSSION AND CONCLUSIONS

It would seem a difficult task for the criminal justice system to alter the well-established criminal behaviors of certain offenders; however, by looking at the differences between offenders, it is possible to develop programs and implement policy designed to reduce recidivism while improving public safety. The present study aimed at examining the differences between first-time felony probationers and recidivist felony probation offenders. Previous studies seeking to isolate factors associated with recidivism have primarily focused on high profile crimes such as sex offenders and capital felony offenders, ignoring the individual and more common felony offender and, more importantly, the recidivist felony offender. While this study determined that first-time felony probationers do indeed differ from recidivist felony probation offenders in a few variables, additional research is needed.

#### Results

The purpose of this research was to explore the differences between first-time felony probationers and felony recidivist probation offenders. The primary variables examined included race, age, gender, employment status, education, convicted offense, prior misdemeanor arrest, prior felony arrest, history of drug abuse, and type of probation on the assumption that these variables correlate with probation outcome. Use of the Risk/Need Assessment was appropriate for this research in order to facilitate determination of the differences between first-time felony and felony recidivist probation offenders.

The research questions were:

1. What are the differences between successful first-time felony probationers and felony recidivist probation offenders?

2. What percentage of felony recidivist probation offenders actually commits more serious crimes?

*Answering Research Question 1*

1. What are the differences between successful first-time felony probationers and felony recidivist probation offenders?

The present study aspired to examine the differences between the first-time felony probationer and the recidivist felony probation offender. In this comparison it was possible to ascertain that first-time felony probationers differed from recidivist felony probation offenders in that Group B recidivist felony probation offenders tended to:

- Have more previous misdemeanors
- Be younger than first-time felony offenders
- Have more prior probation/parole revocations
- Have more adjudications for non-violent property offenses
- Fewer address changes
- Fewer assaultive offenses
- Have less financial management
- Are in worse health
- Are likely to require more officer intervention and a greater deal of the officer's time.
- Have fewer academic and vocational skills
- Have fewer emotional or behavior coping skills
- Have less mental ability in that they frequently have less response, access to medical information, or previously determined medical, emotional, or mental diagnosis
- Are less likely to have previous treatment for a sexual problem, such as being sexually abused as a child

The research hypothesis followed that first-time felony probationers and recidivist felony probation offenders are different. Analysis would lend credence to this assertion and therefore the conclusion is to accept the hypothesis. In the final analysis, the conclusion is to accept that first-time felony probationers and recidivist felony probation offenders are in fact different.

### *Answering Research Question 2*

2. What percentage of felony recidivist probation offenders actually commit more serious crimes?

This study also analyzed recidivism, specifically looking at what percentage of recidivist offenders actually commits more serious crimes after completion of probation. From the analysis, 27.5%, or 11 of the 40 recidivist offenders observed in the study, reoffend, committing more serious crimes after completion of probation.

### *Implications of the Research*

The key implication may be, simply, that agencies need to continually analyze and interpret existing programs for their usefulness or lack thereof, and make appropriate changes where needed to meet their stated goals of protecting society and rehabilitating the offender. Additionally, judges and legislatures must review and define policy to refrain from unfounded mandates, focusing instead on the clearly implied differences between first-time felony offenders and recidivist offenders. Certainly the goal is measurable and attainable.

While there are numerous implications to the findings, probably the most important and readily applicable yields from the research apply to the areas of agency evaluation, course/therapy programming, sentencing tools, and funding.

The implications for agency evaluation include assessment of how the agency is targeting and meeting the offender's needs. As stated, the research findings indicate that Group A, first-

time felony offenders, and Group B, recidivist felony probation offenders, are different. With this information, agencies can better assess supervision levels and sanctions directed at correcting negative behavior and criminal thinking areas. This then becomes the second major implication of the research, course/therapy programming, whereby agencies adapt existing programs or create programs specifically designed to target the differences between first-time felony offenders and recidivist felony probation offenders with the express goal of preventing the first-time felony offender from advancing in a criminal career.

Application of the research findings by agencies allows for preventive steps. Course/therapy programming that can be considered a holistic approach to case management may yield results by first identifying those offenders at risk of reoffending and targeting programs and needs to specifically address offender needs. A first-time felony offender, for example, identified as having poor vocational and academic skills might be referred by the supervising probation officer to cognitive thinking programs, and might address community service with an agency where the offender might learn a skill, such as Habitat for Humanity. Another example of the application of the research would be a youthful offender program specifically targeting and emphasizing skills and compliance while utilizing a system of graduated sanctions to prevent revocations.

One important implication of the research points to the introduction of a sentencing tool for use by the judiciary at sentencing. The introduction of a judicial tool which utilizes the findings in the present study might assist judges in identifying characteristics of recidivist offenders early-on in their criminal career thus preventing recidivism or further involvement by the offender with the legal system. Applied to sentencing, such a sentencing tool might assist probation agencies in identifying and tailoring a sentence to probation.

Despite the potential of the positive implications resulting from the research it is important to also note the potential for opposition, what can be readily described as the wheel effect. The wheel effect speaks to a tendency by agency professionals to discount or ignore academic research based on daily experience and a prevailing belief that “everything has already been tried.” Application of the research could provide various avenues not previously utilized for the probation agency or the probation offender.

Also, there is prevailing need, as in anything dealing with the U. S. criminal justice system, to avoid the stigma of the criminal stereotype. This is to say that, among some politicians, professionals and academics, a general attitude exists that simply discounts the criminal offender and writes the individual off as being “just a criminal.” The value of the offender is often lost with the criminal behavior. Effort must be made to develop and educate public awareness of the value of the offender and their possible contribution to society.

Ultimately, the final and lasting implication of the research falls on the supervision officer as the task of applying any policy and program changes largely befalls this civil servant. By applying the results of the present study to existing caseloads, probation officers may better tailor probation to meet their offender’s needs. This then becomes the single most important value of the research.

### Future Research

The most overwhelming problem with prior literature and research is the tendency of felony recidivism studies to concentrate in the area of sex offenses, as if this were the only significant crime being perpetrated. Additionally, there is an overwhelming abundance of literature devoted to the more “high profile” crimes such as sex offenses, serial offenders, and mentally ill offenders. Considerable study has also been accomplished in the area of juvenile

recidivism. While these studies are important and should not be excluded or ignored, they demonstrate a lack of addressing the larger, more pervasive offender: the general felony offender.

Without question there is need for additional research not only in the area of felony recidivist but also in the area of serious misdemeanor offenders. The purpose of this study was to examine the differences between offenders who recidivate and those who do not. Conceptually, identifying the characteristics of these offenders can provide agencies with the ability to target and adequately prepare for the needs of these offenders, ultimately increasing public safety while subsequently decreasing demands for costly incarceration facilities. The present study has the potential to have significant implications for Community Justice Assistance Division (CJAD) administrators to incorporate or evaluate programs in order to determine whether these characteristics are being addressed during supervision of offenders. Additionally, it may assist professionals in evaluating and incorporating characteristics into offender treatment plans and supervision methods.

Suggested future research would be to examine these Group A recidivists again in 2006 to observe if these individuals follow the same trajectory as Group B within the criminal justice system. Such research would also cement a connection if these individuals are the same as Group B. This examination would further affirm the relevance of the present study. Additionally, it would highlight the importance of early intervention for first-time felony offenders on the assertion that early intervention of these offenders could prevent an entrance into the category of Group B. It is important to note that not all individuals in Group A entered Group B. Still, based on percentages, there is sufficient evidence to suggest that the percentage of felony recidivist probation offenders is large. However, in terms of escalation, the number is small.



While this study did not seek to challenge the efficacy of the existing Risk/Need Assessment utilized in determining the likelihood of offender recidivism, the study results do seem to validate the instrument. The present research highlights assumptions associated with recidivist offenders. Recurrent sociodemographic factors have traditionally been associated with recidivism. Stereotypes prevail, which further shape and maintain existing attitudes and beliefs about recidivist offenders. The present study aimed at examining the differences between first-time felony probationers and recidivist felony probation offenders. The comparison analysis determined that the former differed from the latter in a few variables; however, additional research is needed.

Future research may include an in-depth study of these individuals to determine whether they increased the level of education, married, or obtained employment. Other areas which might be addressed to determine their influence on recidivism include sobriety from drugs and/or alcohol, restitution paid, and other improvements to the quality of the individual's life such as housing, health, and attachment to family, community, or social purpose.

## APPENDIX



RESEARCH AND TECHNOLOGY TRANSFER  
Office of Research Services

October 23, 2006

Eddy Lynton  
Department of Criminal Justice  
University of North Texas

RE: Human Subjects Application No. 06-371

Dear Mr. Lynton:

Your proposal titled "Correlates of Recidivism: A Study Examining the Differences between First Time Felony and Recidivist Felony Offender" has been approved by the Institutional Review Board as permitted under federal law and regulations governing the use of human subjects in research projects 45 CFR 46.101. **Federal policy 45 CFR 46.109(e) stipulates that IRB approval is for one year only, October 23, 2006 through October 22, 2007.**

It is your responsibility according to U.S. Department of Health and Human Services regulations to submit annual and terminal progress reports to the IRB for this project. Please mark your calendar accordingly. The IRB must also review this project prior to any modifications.

Please contact Shelia Bourns, Research Compliance Administrator, ext. 3940 or Boyd Herndon, Director of Research Compliance, ext. 3941, if you wish to make such changes or need additional information.

Sincerely,

Scott Simpkins, Ph.D.  
Chair  
Institutional Review Board

SS:sb

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